



Appeal Decision

Site visit made on 2 January 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/B2002/W/23/3323210

16 Osborne Street, Cleethorpes, North East Lincolnshire DN35 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Raymond Swinburn against the decision of North East Lincolnshire Council.
 - The application Ref DM/0124/23/FUL, dated 13 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is the erection of a metal shutter to the ground floor windows and door.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Cleethorpes Central Seafront Conservation Area ('the CA').

Reasons

4. The appeal site comprises a two-storey red brick mid-terrace building that is occupied by a hair and beauty salon to the ground floor and a flat above. It is located on the western side of Osborne Street and within Cleethorpes' town centre. It forms a terrace of ground floor commercial businesses which are mixed in their appearance. The property to the south of the appeal site does not incorporate security shutters, while the property to the north has a security shutter to the door but not to the windows. Therefore, this part of Osborne Street is more welcoming and vibrant than the northern section where blank walls, security shutters and a large roller shutter door to a vehicle garage create an enclosed and less pleasant environment.
5. The appeal site is also within the CA and therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. According to the Cleethorpes Central Seafront Conservation Area Appraisal, adopted 2016 ('the Appraisal'), the CA contains elements of earlier historic settlement including the two former fishing

hamlets of Oole and Itterby. It encompasses the promenade to the beach, the pleasure gardens and pier, as well as parts of the town centre. The area surrounding the appeal site is characterised by commercial uses abutting the back edge of the pavement, typically two or three storeys in height and mixed in their appearance. The significance of the CA is derived from its historic and aesthetic values.

6. The shop front has a centrally positioned wooden and glass door with a window above. Either side of the door is a large wooden framed window that is subdivided at the top with a long narrow rectangular window. The windows and door are recessed behind a reveal and the windows are positioned above a tiled stall riser. Above the shop front is a fascia sign that has minimal projection beyond the façade and did not appear to be illuminated. The building's façade incorporates some brick detailing and arched headers above the two first floor windows. Consequently, it has an attractive appearance that contributes to the character and appearance of the CA.
7. The proposed roller shutter would be housed in a box positioned across the top of the existing shop front. Although it would not obscure any historic features, it would not relate well to the shop front as it would obscure part of the upper rectangular windows. It would also project forward of the shop front, making it a dominant feature regardless of whether the shutter is open or closed. The shutter would include a vision panel, however, its appearance would appear as a predominantly solid, metal shutter of an industrial appearance that would obscure the full width of the shop front when closed. For that reason, it would significantly detract from the building's attractive façade.
8. I appreciate that the use of the ground floor as a hair and beauty salon could mean that the premises would be open during the day. However, I have not been provided with the salon's opening hours. Furthermore, at the time of my site visit on a weekday lunchtime, the business was closed. Consequently, it could be assumed that the shutters would also be closed at this time, particularly as salons tend not to be open seven days a week. While I appreciate this represents only a snapshot in time, even if the shutters were open during the daytime, it is likely they would be closed during evening hours. Therefore, there would be a significant number of hours during which the shutters would present a blank and unwelcoming façade in proximity to passing pedestrians and vehicles using Osborne Street.
9. At the time of my site visit, I witnessed numerous solid roller shutters on commercial premises in the surrounding area, including within the northern part of Osborne Street and within the CA. These examples presented a stark and deadening appearance to the character and appearance of the area. The proposal would cumulatively add to these existing shutters, further eroding the vibrancy of the southern section of the street and the surrounding area.
10. The appellant has provided addresses of premises where roller shutters have been erected in the surrounding area. However, limited information has been provided regarding their planning history and therefore, it is not known whether planning permission was obtained. Even if planning permission was granted for these developments, I do not know the precise circumstances regarding their approval or whether the development plan policies they were considered against are the same. In any event, I must determine each case on its own merits.

11. Having regard to the advice in the Framework, I find that the appeal proposal results in less than substantial harm to the character and appearance of the CA. Paragraph 208 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal.
12. The information before me does not demonstrate that there is an issue with anti-social behaviour in the surrounding area or that the appeal site has been subject to particular issues such as vandalism or burglaries. Even if this could be demonstrated, I am not persuaded that the proposal is the minimum required to secure the premises against vandalism or crime, particularly as there were examples of commercial premises in the surrounding area with no shutters or with a less solid type of shutter. Accordingly, any public benefits of the proposal would be limited and would not outweigh the harm to the significance of the CA that I have identified.
13. In reference to the main issue, the proposed development would cause significant harm to the character and appearance of the surrounding area, including the CA. It would conflict with Policies 5, 22, 23 and 39 of the North East Lincolnshire Local Plan 2013-2032, adopted 2018 which, amongst other things, seek to ensure that developments enhance the centre's attractiveness as a place to visit, work and socialise; maintain and sustain the historic environment; be informed by a thorough consideration of a particular site's context; and ensure that the installation of security grilles and shutters do not detract from the visual amenities of the street scene.

Other Matters

14. The appellant has put forward details of developments undertaken by the Council that they assert do not comply with the Appraisal or The Conservation Area Management Plan ('the MP'). Limited information has been provided regarding the developments mentioned. However, the developments involve the demolition of a public house and works to the public realm, which are not directly comparable to the appeal proposal.
15. The appellant asserts that the Appraisal and the MP both contain inaccuracies. However, this has not prevented me from forming a view on the main issue. While the Appraisal and the MP may provide limited guidance on acceptable measures to protect premises within the CA from crime and vandalism, the appellant could have sought pre-application advice from the Council prior to the submission of the planning application.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR