



Appeal Decision

Site visit made on 9 February 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/R3515/Z/23/3327216

90 St Helens Street, Ipswich, Suffolk IP4 2LB

- 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 Koysor Miah against the decision of Ipswich Borough Council.
 - The application Ref IP/23/00254/FUL, dated 30 March 2023, was refused by notice dated 12 May 2023.
 - The development proposed is an external rolling security shutter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the description of development above I have removed the application form reference to 'retrospective regularisation', as this is not a development type. The appellant indicates that the roller shutter works were completed in 2020, and my site visit confirmed its presence. For the avoidance of doubt, I have determined the scheme based on the submitted plans.
3. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties in this regard.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the streetscene, with particular regard to the preservation or enhancement of the St Helens Conservation Area (CA), and the setting of listed buildings.

Reasons

5. The site comprises a mid-terrace, two-storey brick building, with a slate roof and a first floor timber tripartite sash window. The ground floor is a modern shop frontage with some historic shopfront elements retained, including timber corbels and framing around the fascia sign. The appeal is for a roller shutter door within metal housing sited beneath the fascia.
6. The site lies within the St Helens CA, and so 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 its character or appearance. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets.

7. Policies DM12 and DM13 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (CSP) (2022) align closely with this approach. Amongst other matters, they also specifically require the appearance and materials of development to pay regard to the character of adjoining buildings and the CA as a whole, for development to be well-designed, and for it to respect and promote the special character and local distinctiveness of Ipswich.
8. The CA comprises two main identity areas around radial roads. Its significance lies in its surviving core of medieval dwellings which grew up around St Helens Church, physically separate from the town centre. St Helens Street now is largely in commercial use and has a strong historic character. The buildings encompassing the appeal site along the southern stretch of St Helens Street are predominantly 17th and 18th century. Woodbridge Road has a residential character, developed in the early 1800s and containing several listed buildings and a number of buildings of special local interest. These two main roads are linked by the large and impressive Edwardian St Helens School and its grounds.
9. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. St Helens Church is a grade II listed building diagonally opposite the appeal site. Its significance is its position and historic association with the surrounding medieval and Edwardian development, although has been subject to significant alterations. The front churchyard has a low brick wall and Victorian gates, with mature trees creating a verdant character. Several other listed buildings also form part of the appeal site terrace, with their significance being their collective contribution to the character of the CA and the street as described above.
10. The appeal site shop is identified as being open for almost 12 hours daily, and therefore the shutter is only closed at night. The appellant suggests this period is least likely to affect the amenity of passers-by. However, this does not preclude that more extensive use of the shutter may occur, including in the longer term another operator taking over the unit with shorter opening hours.
11. The CSP Policy DM25 requires a high standard of design in shopfront security measures, and for development to respect the building's existing character, and architectural and historic merit, including details and materials. Its justification text explains that security features should generally be internal in order to avoid harming the appearance of shop premises. The Shop Front Design Guide Supplementary Planning Document (SPD) (2016) further identifies solid external metal shutters as being very unattractive.
12. The closed shutter creates a large horizontal expanse. Despite the modernity of the shop front, and the street's clearly commercial character, this contrasts with and dominates the vertical emphasis of the historic character of the relatively narrow building, and its neighbours. In combination with the shutter housing, which is permanently visible, it is also a utilitarian feature which does not blend well with the positive architectural features of the front elevation and streetscene. The past removal of some of the building's historic features suggests an even stronger need to protect those remaining. As such, I find the shutter is not a sympathetic addition to the shopfront. It thus harms the historic character and appearance of the wider streetscene.

13. The appellant provides several examples of other external shutters. However, those on No. 82 St Helens Street match that building's off-white colour scheme, and also better reflect its architecture. That at No. 127 similarly matches its host's colour. These are isolated examples compared to the length of the street, and I also find more generally that Ipswich buildings are not characterised by shutters. Furthermore, each example is set within its own specific context, on buildings with different forms and historic relationships. They therefore do not set an overall precedent. Window vinyls are less relevant as they generally preserve architectural form, and in any case may not require planning permission.
14. The closed shutter also precludes internal visibility and so reduces the shop's active frontage, albeit only when the shop is not itself actively used. The fascia sign does not create an active frontage in isolation. The promotion of active frontages is a central feature of planning and building design, and the SPD reference to solid shutters generating feelings of insecurity in those walking by, is therefore not only a matter of personal taste of those persons. However, in this instance I give very limited weight to the SPD consideration that solid external metal shutters attract graffiti, with no suggestion of this having occurred over the past 3 years, or any specific local graffiti issue highlighted.
15. Overall, the shutter leads to less than substantial harm to the significance of the CA and to the setting of the listed buildings as designated heritage assets. I give great weight to this harm, as advised by the Framework paragraph 205. Paragraph 208 advises that less than substantial harm to a designated heritage asset should be weighed against the proposal's public benefits.
16. Support for the proposal is provided by the Framework paragraphs 96(b) and 135(f), whereby developments should aim to achieve safe places, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. The street has longstanding multiple vacant and derelict frontages, including directly adjacent to No. 90. The appellant also presents crime data demonstrating criminal activity across the area.
17. The shutter therefore gives strong protection against robberies and damage to the shop's windows, which have occurred multiple times, and for which there is an increased risk due to the unoccupied adjacent building. I accept this to be a genuine concern for any small business operating in this area. The data is, however, not detailed enough to have confidence that crime is an increasing local trend, nor conclusively responsible for the boarded up shop fronts or high turnover along the Street.
18. The public benefit of the shop's increased security lies in maintaining its viability, and therefore its active commercial use and contribution to the overall economic viability of the area. It also indicates an owner who is invested in security, reducing the attractiveness of criminal activity. This benefit is in comparison to the visual harm of a damaged shop front, or one where the business use has ceased as a result of crime.
19. However, the balancing to be undertaken is not a binary choice between the benefits of the existing shutter, compared to no shutter. There would be very similar benefits from an internal shutter type, which the Council suggests is possible as demonstrated in numerous successful businesses in historic buildings throughout Ipswich and other towns. Such internal security systems are more discrete, and generally cause no harm or significantly less harm to

the streetscene and its heritage assets. The appellant has provided no substantive evidence as to why such internal measures could not instead be used, other than finite resources.

20. This material consideration therefore tempers the weight I give to the public benefits, which I thus find to be moderate. Compared to the great weight I give to the less than substantial harm to the CA and the listed buildings, I find that the demonstrated public benefits would not outweigh the harm.
21. Overall therefore, the proposed development causes harm to the character and appearance of the streetscene, and less than substantial harm to the preservation of the St Helens CA and the setting of listed buildings. It conflicts with the CSP Policies DM12, DM13 and DM25, and the Shop Front Design Guide SPD, as described above. The proposal also conflicts with the need to achieve well-designed places as set by the Framework paragraph 135, and its section 16 on conserving and enhancing the historic environment.

Other Matters

22. There would be a private benefit to the business from the security created by the shutter, but as above, alternative security methods could be used. I therefore give this benefit limited weight as a material consideration.
23. The appellant was directly advised to install the shutter by Suffolk Police. However, this does not outweigh the harm which I have identified.

Conclusion

24. The development causes harm to the character and appearance of the streetscene, and the CA and the setting of listed buildings. It leads to less than substantial harm to the significance of designated heritage assets, and Paragraph 208 of the Framework identifies that this should be weighed against the public benefits of the proposal. The benefits identified above are not sufficient to outweigh this harm.
25. In conclusion therefore, the development conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR