



Appeal Decision

Site visit made on 12 April 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/D1780/W/23/3324461

32-36 Shirley High Street, Southampton SO15 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Aziz Yildiz on behalf of Winmar Supermarket against the decision of Southampton City Council.
 - The application Ref is 22/00198/FUL.
 - The development proposed is described as a single storey street side steel and aluminium pergola with aluminium roof and roller shutters.
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Decision

1. The appeal is dismissed insofar as it related to the roller shutters. The appeal is allowed insofar as it related to the single storey street side steel and aluminium pergola with aluminium roof, and planning permission is granted for a single storey street side steel and aluminium pergola with aluminium roof at 32-36 Shirley High Street, Southampton SO15 3NG in accordance with the terms of the application, Ref 22/00198/FUL, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they are relevant to the part of the development hereby permitted, and all elements regarding the roller shutters disregarded: 32_SL_001 Rev 00; 32_SL_004 Rev 00; 32_SL_005 Rev 00; and 32_SL_006 Rev 00.

Procedural Matters

2. The proposed development constitutes a permanent 'pergola' structure with a solid canopy roof and supporting frame which extends out from the front of the ground floor of the appeal property. Solid roller shutters¹ have been installed between the uprights of the supporting frame. The proposed development has been erected and planning permission is sought to regularise this development. On visiting the site, I am satisfied the plans represent that which has been built and I have made my decision accordingly.
3. For the following reasons, I have found the pergola acceptable. As it is clearly severable both physically and functionally from the roller shutters, I intend to issue a split decision and grant planning permission for the pergola only.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property's shop frontage and the local area.

¹ It is noted on the plans the roller shutters are labelled as Roller Shatteer.

Reasons

5. Shirley High Street is a well-used and traditional high street. There are generally 2 storey buildings lining both sides of the street with flat shop frontages at ground floor level. In many cases, including the section of the street the appeal property is on, between the shop frontages and pavement is a wide forecourt to allow for seating and selling of wares outside of the shop. This creates an active and vibrant frontage to the street and is characteristic of the area.
6. The shop frontages themselves are a mix of traditional and modern styles and the forecourts are often covered to allow their use in all weathers. These covers are also a mix of styles including traditional roll out canopies, pop up tents, and permanent framed structures. Except for the glass incorporated into the framed structure of the Mevlana Turkish Kitchen, these covers, permanent or temporary, do not have sides or fronts. Consequently, views through and across the forecourts are unrestricted and the traditional open nature of the high street retained.
7. The pergola is like other structures in the area and is in keeping with the modern appearance of the appeal property's frontage. It retains the visual relationship between the shop front and the street and ensures views along Shirley High Street are not compromised. Therefore, it does not harm the appearance of the appeal property's shop frontage nor the open and active character of the local area.
8. However, the roller shutters when closed alter the character of the pergola by creating a solid and bulky mass. This creates a blank and characterless façade to the appeal property and removes any visual and active relationship between the shop frontage and the street. The roller shutters obstruct views along the street reducing its open nature and thus harming the street's overall character and appearance.
9. Policy REI8 of the City of Southampton Local Plan Review (LPR) controls development which affects shop fronts. It allows for solid shutters where there is evidence of a high level of vandalism or break-ins in the area, or if stock is of a particularly high value. However, there is nothing before me to confirm this is the case in this instance.
10. The appellant has proposed an alternative type of roller shutter. Nevertheless, that proposed would still be largely solid and would not overcome the harm identified.
11. Therefore, although I find the pergola acceptable, for the reasons given above the roller shutters would cause harm to the character and appearance of both the appeal property's shop frontage and the local area. Consequently, the roller shutters fail to comply with LPR Policy REI8, and LPR Policies SDP7 and SDP9 and Policy CS13 of the Local Development Framework Core Strategy as far as they promote good design which is sympathetic to its surroundings.

Conditions and Conclusion

12. Although the proposal has already been built, I find it necessary to impose a condition requiring adherence to approved plans to provide certainty of what has been approved.

13. Therefore, having considered the development plan along with all other relevant material considerations including the approach in the National Planning Policy Framework, I conclude that the appeal should be allowed insofar as it relates to the single storey street side steel and aluminium pergola with aluminium roof and dismissed insofar as it relates to the roller shutters.

RJ Redford

INSPECTOR