



Appeal Decision

Site visit made on 25 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/P0119/Z/24/3337739

11 Broad Street, Staple Hill, South Gloucestershire, BS16 5LN

- 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 Demet against the decision of South Gloucestershire Council.
 - The application Ref. P23/02791/F, dated 30 September 2023, was refused by notice dated 28 November 2023.
 - The development proposed is erection of canopy and glazing atop existing wall to front of cafe.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of canopy and glazing atop existing wall to front of cafe at 11 Broad Street, Staple Hill, South Gloucestershire, BS16 5LN in accordance with the terms of the application Ref. P23/02791/F, dated 30 September 2023 and the plan submitted with it numbered 0010/20/FA (Floor Plan & Elevations).

Preliminary Matters

2. Since planning permission was refused a revised version of the National Planning Policy Framework (Framework) was issued in December 2023. Even so, the relevant policies of the Framework have not changed.
3. I have adopted the description of development from the application form but removed the word 'retrospective' as this is not an act of development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal site is located on the northern side of Broad Street and forms part of a flat roofed relatively modern two storey parade of shops with residential accommodation above. The appeal site is located at one end of the parade with the ground floor used as a café. Between the first floor and ground floor café is a concrete cantilevered canopy that extends above the ground floor shops of 11 – 19 (odd) Broad Street. There are a variety of shopfront designs within the parade, some with roller shutters and a mixture of fascia and projecting signs. The host property, as with others in the parade, is set well back from Broad Street. Whilst this is also the case for the traditional stone property to the west of the appeal site, 9 Broad Street (no.9), the three storey

traditional stone buildings further west (5 & 7 Broad Street (No's 5 & 7)) are sited much closer to the road and broadly in line with the front curtilage to the appeal site.

6. The appeal proposal involves the erection of a canopy and glazing on top of the existing low brick wall on the frontage to the café. The canopy and glazing is already in place and planning permission is sought retrospectively for its retention. I understand that the low brick wall and outdoor seating area to the café are both existing and do not form part of the appeal proposal. The canopy and frame is constructed from aluminium with a lean to or mono pitch roof that extends up to the bottom of the cantilevered concrete canopy. The adjoining shop, 13 Broad Street, which is a grocery, has a retractable canopy that allows a similar sized forecourt area to be used to display goods.
7. I accept that the new glazing and canopy has resulted in a change to the appearance of this part of Broad Street, but given that it enclosed an existing seating area I am satisfied that the level of change is modest. Consequently, the impact on the character and appearance of both the host property and the wider parade is also, in my view, modest. The new glazing and canopy does not extend beyond the original seating area and low wall, and it is a lightweight structure whose simple design complements and integrates well with the flat roofed appearance to the parade. As such, the proposal is not incongruous and as it extends across the whole of the frontage to the host, it does not lead to an unbalanced appearance. Indeed, the proposal adds more interest and quality to a parade that does not exhibit any features of particular value or merit.
8. For similar reasons, the proposal does not detract from the setting of No.9 whose frontage comprises an area of tarmac that makes no contribution to the streetscene. Beyond that to the west are No's 5 & 7 that project forward of the building line to No.9 and that of the host. The three storey brick and rendered side façade to No's 5 & 7 dominate views when approaching from the east on Broad Street, and within this context the new canopy and glazing does not appear prominent or extend beyond the building line of these properties.
9. As is shown in the photographs in the Appellants Planning Statement and as I observed on site, it is not uncommon to find enclosed and covered sitting out areas serving café's, restaurants and public houses in the area. Whilst they exhibit different forms and designs, they mostly have a positive impact on the streetscene by introducing vibrancy, colour and activity that contributes to the vitality of the local parade or centre in question. As in the case of the appeal proposal they can also contribute to the nighttime economy and allow the seating areas to be used all year round.
10. The Council have referred to policy CS1 of the South Gloucestershire Local Plan Core Strategy (December 2013) (LPCS) and policies PSP1, PSP31 and PSP33 of the South Gloucestershire Local Plan: Policies, Sites & Places Plan (November 2017) (PSPP). These require, amongst other matters, that new development: is of a high quality of design; that its scale, form, siting, detailing and materials respect and enhance the character and local distinctiveness of the site and its context; and that the scale, detail, siting and size of main town centre uses are appropriate to the character of the host property and wider streetscene. For the reasons set out above, I am satisfied that the retention of the canopy and glazing does not conflict with the broad aims and objectives of these policies.

11. Paragraphs 5.2 and 5.3 of the Council's Delegated Report (CDR) acknowledges that the frontage to the appeal site is already used as an outdoor seating area and that the proposal seeks to increase the vitality and viability of the current use to create a more pleasant experience for customers, enabling the area to be used all year round, whatever the weather. As such, the CDR concludes that the proposal accords with policy CS14 of the LPCS and policy PSP31 of the PSPP insofar as it would make a positive contribution to the vitality and viability of the use within a town centre location. I concur with that finding and attach significant weight to that policy support as it is consistent with paragraph 90 of the Framework which states that decisions should support the role that town centres play at the heart of the local community by taking a positive approach to their growth, management and adaptation. In relation to the reference to 'local community' I note that there were no objections to the proposal from the Parish Council and seven letters of support.
12. The Council has also referred to its Shopfront & Advertisements Design Guide Supplementary Planning Document (April 2012) (SPD Guide). I agree with the Appellant that this is not directly relevant in that it relates to new shopfronts and advertisements. However, insofar as it requires new shopfronts to use good quality materials and respect the character of the building and its setting, I am again satisfied, for the reasons given above, that the retention of the canopy and glazing accords with the general guidance within the SPD Guide.
13. Accordingly, I find that the retention of the canopy and glazing accords with the broad aims and objectives of policy CS1 of the LPCS, policies PSP1, PSP31 and PSP33 of the PSPP, the SPD Guide and the corresponding policies of the Framework.

Other Matters

14. The CDR contends that the proposal would result in the loss of light to the occupiers of the ground floor flat that has been approved but not yet built at No.9. Other than an application reference I have not been provided with any plans of this development and this issue has not been raised in the Council's reason for refusal. Even so, based on the evidence before me, I agree with the Appellant that as the frontage to No.9 is set back from the seating area to the host, is sited to the west of the appeal site and as the side elevation comprises only new glazing, any impact on the living conditions of future occupiers would be limited.

Conditions

15. The Council has not put forward any conditions. In view of this and given that planning permission is sought retrospectively I have, for clarity, just referred to the approved plan in the main part of my decision.

Conclusion

16. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR