



Appeal Decision

Site visit made on 1 July 2024

by D Hartley BA (Hons), MTP, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th JULY 2024

Appeal Ref: APP/L5810/C/23/3328058

Ground Floor Shop, 49 King Street, Twickenham, TW1 3SG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Sajid Ahmed of Gadgets Repair against an enforcement notice issued by the London Borough of Richmond Upon Thames.
 - The notice was issued on 21 July 2023.
 - The breach of planning control as alleged in the notice is Without planning permission and with the last four years, the installation of external metal roller shutters and box housing to the shopfront at ground floor level of the Land.
 - The requirements of the notice are to 5(a) permanently remove the external metal rollers shutter and associated box-housing from the Land and restore the Land to its former condition as shown in the photograph attached hereto, and 5(b) remove from the Land debris, rubbish, and other material associated with carrying out step 5(a) above.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal on ground (a) and the deemed planning application

Main Issue

2. An appeal on ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. I have considered the reasons for issuing the enforcement notice and the main issue is whether the development has preserved or enhanced the character or appearance of the Twickenham Riverside Conservation Area (CA).

Reasons

3. The appeal site falls within a busy and vibrant shopping area. There is a pleasing consistency to the linear position of the buildings in this part of the CA. The buildings are set back from relatively wide pavements and there is a pleasing absence of advertisements above ground floor level. Most of the properties are constructed from brick and there is a general regularity to the proportions and alignment of windows within each of the terraced blocks. The ground floors of the mainly three storey buildings are in commercial use. Being able to see into the ground floor commercial units adds positively and

distinctively to the vibrant and busy character of this part of the CA. While there are some exceptions, the decorative elements of the shop fronts, including pilasters, are noticeable to passers-by. Most of the fascia advertisements sit well behind the pilasters and hence appear subordinate and sympathetic to the shop fronts. Collectively, the above attributes add positively and distinctively to the significance of the CA as a whole.

4. The breach of planning control relates to a solid roller shutter including box-housing. The box-housing is essentially flush with the adjacent pilasters to the property which is acceptable. However, in combination with the fascia advertisement it adds unacceptable bulk and height when experienced against other fascia advertisements in the terrace of properties. Indeed, it represents a departure from the prevailing character of shop fronts within the rest of the terrace where the fascia advertisements are proportionately smaller and less bulky.
5. The above harm is compounded because a solid roller shutter, extending to the ground, has been installed. When it is in a down position, I find that it has the effect of creating a harmful 'dead' frontage. Indeed, a significant element of the shop front, including the window display area, is no longer visible to passers-by when the security shutter is in its down position. I find that this materially detracts from the otherwise and mainly more open and characterful shop fronts and window display areas in this part of the CA.
6. Moreover, owing to the solid appearance of the roller shutter, I find that it contributes negatively to the character of the area from the point of view of the perception of crime at night. In this regard, it is noteworthy that the Council's Design Guide for Shopfront Security 2005 (Design Guide) states that *'once a row of shops has these shutters, they can create a fortress environment; this means that the street represents an unfriendly face and natural surveillance provided by passers-by decreases because people simply avoid the area, seeing it as hostile'*.
7. The appellant has referred to examples of other similar roller shutters in the area, and which do not accord with the Council's Design Guide which states, *'the Council will resist the installation of solid and perforated roller shutters on shopfronts throughout the Borough'*. However, I have no reason to doubt the Council's comment that only one of the examples listed was granted planning permission and this was permitted to have *'brick grille shutters which are of an open lattice design...and the remainder of the shutters have been investigated by planning enforcement and were found to be immune from enforcement action under section 171B of the Town and Country Planning Act 1990'*. The Council also states that the unauthorised shutter at 10 Heath Road has been investigated and is the subject of a separate appeal.
8. Allowing the appeal based on the existence of similar shutters in the locality would, in my judgement, have the effect of further and cumulatively eroding the significance of the CA. I have considered the position and extent of the appellant's examples of lawful and similar roller shutters elsewhere in the locality. I do not find that they are on such a scale that they have fundamentally altered the overall character and appearance of this part of the CA when considered as a whole. In other words, the existence of similar shutters elsewhere in the locality does not justify the identified harm that

would be caused to the character, appearance, and significance of the CA as a whole if the appeal were to be allowed.

9. In the context of paragraph 208 of the National Planning Policy Framework 2023 (the Framework), I find that less than substantial harm has been caused to the significance of the CA. I do not doubt the appellant's desire to ensure that the appeal property is made secure. In this regard, the unauthorised development constitutes a public benefit. However, the appellant's rationale for opting for a solid roller shutter with box-housing is that he has '*experience of breaking into his shop in the past in another location*' and that this was a '*cost effective*' solution.
10. There is no evidence to suggest that the appeal property has ever been broken into, or that there is a particular problem with vandalism or burglaries in the immediate locality. Moreover, the Council has guidance which indicates that more sensitive security options would be available for the appellant to explore. I do not find that the appellant has provided reasonable evidence to demonstrate why it would not have been possible to have pursued a more sensitive security option. It need not automatically be the case that other options would not be '*cost effective*'. On the evidence that is before me, I do not find that there are any public benefits which outweigh the less than substantial harm that has been caused to the significance of the CA.
11. At final comments stage, the appellant suggested that he would be prepared to install '*perforated shutters as a compromise*' and that the '*shutter box can be painted with the shop name similar to other shops in the vicinity*'. The painting of the shutter box would not be sufficient to overcome the harm caused owing to the unacceptable bulk and position of the shutter box when considered alongside the fascia advertisement.
12. In respect of the suggested perforated shutters, it is not possible for me to consider such a proposal as part of this ground (a) appeal. This is because section 177(1) of the Act requires that any alternative scheme must be in whole or part of the matters which constitute the breach of planning control. The breach of planning control relates to a solid roller shutter and not to a perforated shutter. If the appellant wants to consider a different form of development, then he should separately discuss this matter with the Council.
13. For the reasons outlined above, I find that when the breach of planning control is considered as a whole, it has not preserved or enhanced the character or appearance of the CA. It has therefore failed to accord with the design, character, appearance, and conservation requirements of policies LP1 and LP3 of the London Borough of Richmond upon Thames Local Plan 2018; policies D4 and HC1 of the London Plan 2021; the Council's Shopfronts SPD 2010; the Design Guide; the Council's Village Planning Guidance – Twickenham 2018, and chapters 12 and 16 of the Framework.
14. I therefore conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Consequently, the ground (a) appeal fails.

Appeal on ground (f)

15. An appeal made on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
16. The purpose of the notice is to remedy the breach of planning control. The appellant has not provided evidence to substantiate a claim that the steps in the notice are excessive. I find that the steps in the notice are necessary to remedy the breach of planning control. Therefore, the ground (f) appeal fails.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR