



Appeal Decision

Site visits made on 6 and 11 August 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/V1260/C/23/3323254

348-350 Holdenhurst Road, Bournemouth BH8 8BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by GSF Car Parts Ltd against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The notice was issued on 28 April 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of 6x roller shutters on the northern and western shopfront elevations at ground floor level.
 - The requirements of the notice are: (i) Remove all roller shutters and their housing[s] situated at ground floor level on both the north and western shop frontage elevations. (ii) Remove any resultant materials and debris from the land.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. This decision takes into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.

Main Issue

3. The main issue in the appeal is the effect of the development on the character and appearance of the building and the surrounding area.

Reasons

Character and appearance

4. The appeal concerns a retail unit, situated on the ground floor of a 3½ storey building. The building occupies a corner plot, adjacent to the junction of two streets. An expansive, modern glazed shopfront faces towards Holdenhurst Road, a busy urban thoroughfare. A similarly proportioned modern shopfront faces towards Cleveland Road, a mainly residential side street. The upper floors of the building contain residential accommodation. Classically inspired proportions and design motifs are evident in the building elevations.

5. The building is located in a secondary shopping area. A wide range of businesses including retail and service uses occupy the ground floors of premises on Holdenhurst Road, many of which have glazed shopfronts of varying design, along with some automotive-related uses. There are also a number of incidences of residential living accommodation, above as well as between commercial premises.
6. The enforcement notice attacks a total of six externally mounted galvanised steel roller shutter doors and the associated overhead equipment boxes, installed on the unit's shopfronts. The shutters and equipment boxes are all finished in a dark grey colour.
7. Policy CS41 of the Bournemouth Local Plan Core Strategy (CS) requires the design of development, including its siting, character and appearance, to respect the site and its surroundings. Policy 4.21 of the Bournemouth District Wide Local Plan (LP) states that security measures should not harm the appearance of a shopfront or the street scene. Reference was also made to CS Policy CS9, which amongst other things requires development to maintain or enhance the character and environmental quality of district centres. The Council's 'Shop Fronts' guide advises that where security shutters are required internal chain link screens are preferable, often used in conjunction with laminated glass. Roller shutters on commercial premises may be acceptable where, they are of the mesh grille or perforated type, allowing the shopfront behind to be visible when the shutter is down and where, as in this instance, there is no effect on the significance of any heritage assets.
8. During my first visit, in the unit's trading hours, the shutters were in the raised position on the Holdenhurst Road frontage but lowered on Cleveland Road. When I re-visited outside trading hours, all the shutters were lowered. The shutters are of a perforated design, containing many openings as opposed to being entirely solid. Nevertheless, the perforations are very small and visibility of the shopfronts, along with activity and displays within the unit, is correspondingly restricted. Having very small perforations creates the impression, when the shutters are lowered, of continuous and largely solid sheet metal curtains covering the shopfronts. Together with the substantial size of the shutters, individually and collectively, the result is an extensive area of blank frontage at ground floor level and an appreciably more fortress-like, defensive and threatening feel at the front of the building.
9. LED security lighting affords greater opportunity for views through the shutters at night-time. This makes little difference however to the visual consequences of the shutters during the day. The shutters are not only lowered at night; they can be in that position for significant periods in the daytime outside of the unit's trading hours and as I have seen, a considerable number can remain lowered during trading hours. Moreover, there is no reasonable assurance that the internal lighting would continue to operate overnight. There are any number of reasons why the lighting might cease to operate, in which case views currently afforded into the unit at night-time would be substantially eroded.
10. Additionally, having regard to their significant size, largely solid nature and dark colour finishes the shutters fail to sit comfortably with the well-conceived proportions and more refined architectural characteristics of the building or with the more mellow tones of its external wall materials. Setting the shutters

back within the shopfront window openings has made little difference in terms of minimising their visual impact. The unfortunate visual consequences of the shutters are given further emphasis by the extensive length and chunky, angular profiles of the equipment boxes, which protrude slightly forward of the window surrounds. As a result, the shutters appear as obvious, utilitarian alterations to the shopfronts, relating poorly to and failing to integrate with the building in a visually satisfactory manner and significantly detracting from its otherwise largely pleasant, orderly appearance. Painting the shutters a different, perhaps lighter, colour would not sufficiently offset the adverse visual impacts identified above.

11. Due to the above factors, the shutters are also entirely at odds with the open, more active frontages of the majority of commercial premises in the vicinity and are viewed as alien and obtrusive features in the street scene. The mix of commercial uses and variety of shopfront designs does little to assist in making the shutters sit any easier in relation to the prevailing pattern of local development. The failure of the shutters to visually assimilate with their built surroundings is accentuated by the prominent situation of the building on the corner of Holdenhurst and Cleveland Roads.
12. Isolated incidences of solid shutters in the surrounding area do not reflect the general pattern of local development. Besides, as it is unclear whether other shutters, including the example on a nearby retail unit referred to, benefit from planning permission, it is difficult to compare them with the appeal shutters. The mere presence of outwardly similar development is not, by itself, a good reason to grant permission for unacceptable development as it could be repeated, causing further visual harm. I am given to understand that shutters at a nearby commercial garage premises were granted permission in 2019¹. However, as solid doors are a characteristic of commercial garages, the circumstances of that case differ markedly from those in this appeal.
13. Therefore, the shutters significantly and harmfully erode the character and appearance of the building as well as that of the surrounding area. This is in conflict with CS Policy CS41 as set out above, along with criterion in CS Policy CS9 and criterion in LP Policy 4.21, also as set out above. Similarly, the shutters are not consistent with the Council's shopfront guide in relation to security shutters and by not achieving a well-designed and beautiful place, they are inconsistent with the Framework.

Other Matters

14. The appellant has recently invested a significant sum in the unit, which had previously been vacant. Desiring to secure the unit against incidences of attempted theft, criminal damage and anti-social behaviour is therefore entirely understandable. However, there is little firm evidence to suggest that the surrounding area experiences high levels of crime and disorder. Although installing internal shutters might be impractical, there is little to suggest that alternative security measures would not be equally as effective or would otherwise be prohibitively costly. These could include, for example, external grille shutters with much larger openings, bollards, or enhanced CCTV systems and patrols. Accordingly, I remain unconvinced that there are no other more suitable alternative security measures that could not achieve a similar reduction in crime and disorder.

¹ Council Ref: 7-2019-294-K

15. There is no firm evidence that open grille shutters attract littering or are more readily capable of being climbed. Consequently, I am not persuaded that the shutters represent the optimum solution for the building in terms of reducing the fear of crime. As the existence of alternative more suitable security measures is highly likely there is little to suggest that the appellant would not continue to occupy the unit, thereby sustaining the associated economic and social benefits to the surrounding area.

Conclusion

16. The shutters cause unacceptable harm to the character and appearance of the building and the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, 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).

Stephen Hawkins

INSPECTOR