



Appeal Decision

Site visit made on 4 December 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Appeal Ref: APP/W3710/Z/24/3352501

29-30 Market Place, Nuneaton, Warwickshire CV11 4EG

- 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 Mohammadi, for Gargar Nuneaton Ltd, against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref is 039957.
 - The development proposed is the installation of shutters.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Black metal security roller shutters are in place at the front of this barber shop, which occupies the ground floor of the building. The appeal is therefore retrospective in nature.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Nuneaton Town Centre Conservation Area, including the locally listed building at 28-30 Market Place.

Reasons

5. 29-30 Market Place occupies a prominent corner position within the pedestrianised commercial core of the town centre. A substantial red brick Victorian building, it is noted as locally listed in the Nuneaton Town Centre Conservation Area Appraisal and Management Plan Supplementary Planning Document (CAA) together with No 28. The CAA describes the building as being simply designed with a restrained classical 3 storey façade that turns the corner with Newdegate Street in a pleasant manner. There is a modern shop front at ground floor level including 3 large windows and a pair of glazed doors, all of which have shutters fitted.
6. The CAA advises that solid shutters can have a harsh, unwelcoming appearance and can encourage vandalism. It continues to say that they can have a

negative impact on the conservation area at night times and enhance the perception of a fear of crime.

7. Some nearby shops, including the adjacent jewellery and phone stores, also have security shutters but the majority of the premises on the Market Place do not. The shutters at Nos 29-30 give the building an armoured, defensive appearance when down, with a much less open, friendly face. This is particularly important given the prominent corner position and wide frontage of Nos 29-30.
8. The appellant argues that because the shutters deter crime, they make the town centre a safer and more attractive place. It seems more likely to me, however, that a widespread use of shutters indicates to people that shops need this degree of protection from crime so that the area does not appear safe. Solid security shutters like these fully obscure shop windows so reduce an area's attractiveness for window shopping or strolling through the Market Place after dark. There are night-time businesses operating nearby so the night-time environment is particularly important.
9. The shutter boxes are comparatively small and the vertical guide rails are painted black to match in with the shop front's colour scheme. These features do, however, add clutter to the shop front, causing minor additional harm.
10. I conclude that the installation harms the character and appearance of the conservation area including the locally listed building. It therefore conflicts with policy BE4 of the Nuneaton and Bedworth Borough Plan 2011-2031 and the CAA, which aim to sustain and enhance the Borough's heritage assets. I give this matter great weight, in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 212 of the Framework.
11. I agree with the Council that the harm would be, in the terms of Framework paragraphs 212 and 215, 'less than substantial'. This does not, however, indicate that the harm is minor or insignificant. Paragraph 215 states that such harm to the significance of a heritage asset should be weighed against the public benefits of the proposal including securing its optimum viable use.
12. I recognise that the business provides a local service, employs people and contributes to the local economy. These are important public benefits. Commercial use of the ground floor must be the optimum use here and that use needs to be viable for the building continue contributing to the vitality of the conservation area. I recognise the legitimate need for shop security, but many of the shops in the area do not have shutters like these. No specific evidence has been provided to show an overriding need for this type and degree of security for the barber shop. I find that the public benefits in this case do not outweigh the harm caused to the conservation area.
13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR