



Appeal Decision

Site visit made on 1 May 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/E2001/W/25/3361273

Roos Village Store, 4-5 Main Street, Roos, East Yorkshire HU12 0HB

- 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 Kokulan Kenga against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02858/PLF.
 - The development is described as: *retrospective planning application on new shop frontage, original door to be bricked up, signage to be moved to the right over shutters, installation of ramp and roller shutter over new door opening.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence indicates that the application is retrospective. At the time of my site visit, I saw that elements of the development had largely taken place in accordance with the submitted plans. However, the proposed advertisement signage was not in situ and the original door had not been bricked up but covered with a grey painted metal door covering. I have dealt with the appeal on this basis.
3. During the appeal, the East Riding Local Plan Strategy Document Update 2025 (ERLP SDU) and the East Riding Design Code 2025 (ERDC) were adopted by the Council. Both parties were provided with the opportunity to comment on the implications of this during the appeal. I have taken any comments received and any policies and guidance, insofar as they are relevant to this appeal, into account during my assessment of the development.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Roos Conservation Area.

Reasons

5. The appeal site is located within the Roos Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. The CA is split into two distinctive areas; Main Street and Roos South. The appeal site is situated within the area around Main Street. Main Street has a hard landscape due to the close relationship of buildings with the highway in a linear settlement pattern. There are several shopfronts in this location which utilise high-quality joinery detailing alongside traditional window features and doorways. Some

modern additions such as UPVC windows have been incorporated into some properties within the CA. These are not immediately noticeable due to their typical positions in window openings which are of an expected size. Nevertheless, insofar as it relates to this appeal, the high-quality joinery detail, traditional doorways and simple window features are still apparent and therefore collectively contribute to the significance of the CA.

7. Roos Village Store hosts a large front elevation onto Main Street. This building plays a central role within the CA due to its physical location and its function as a village store. The submitted plans demonstrate the appearance of this building before the changes considered in this appeal were made. This building and its detail were simpler than the more detailed shop fronts found throughout the wider CA. Nevertheless, the simple windows, their lintel detail, a central entrance door with a timber fascia between two windows and an uncomplicated yet large sign above its original entrance point were reflective of other shop fronts found within the CA. For these reasons, these aspects did make a positive contribution to the significance of the CA.
8. The position of the new shop entrance has created an awkward appearance when viewed from the street scene. This is due to its position away from the centre point of the building. The provision of a large modern glazed automated sliding door, alongside the use of dark materials and an access ramp appear as alien, heavy, bulky and incongruous features which significantly detract from the traditional character of the area when viewed in the context of the CA. As such, the development, including its use of materials, has eroded the visual qualities of the CA by creating a prominent, unfamiliar and incongruous addition to the host building.
9. The appellant contends that when not in use, the roller shutter will not have an effect on the appearance of the building, or the character or appearance of the CA. At the time of my site visit, the shop was open, the roller shutter was up and therefore not visible. However, when deployed, the shutter would add to the heavy, bulky and incongruous features which are in situ whether the shop is open or closed.
10. The development fails to preserve or enhance the character or appearance of the Main Street area of the CA. In terms of the National Planning Policy Framework (the Framework), the harm that I have identified would be less than substantial. Paragraph 215 of the Framework establishes that any harm should be weighed against the public benefits of the development.
11. It is suggested that the provision of the automated sliding door will allow access for all, such as those with a disability. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
12. Protected characteristics include a person's disability. In this regard, the development does provide an automated sliding door and an access ramp. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed, particularly, as there are other means by which access

to the village store may be addressed, without resulting in the harm to the CA identified above.

13. It is contended that the provision of the new door and its associated roller shutters provide a deterrent to crime and anti-social behaviour, particularly when the store is not open for trading. The fear of crime can be a material consideration. However, there must be a reasonable and evidential basis for that fear. There is no convincing evidence before me to suggest that crime does occur at this premises, and which would be thwarted by the employment of such measures. Nevertheless, even if such evidence was before me, it does not follow that the appeal would succeed on this basis as there are other methods which may be utilised to address this perceived issue.
14. Therefore, I am satisfied that these suggested benefits should only be given limited weight. I give the harm that I have identified considerable importance and weight in accordance with the Framework, which establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the limited public benefits of the development are not sufficient to outweigh the degree of harm identified.
15. To conclude, I find that the development fails to meet the requirements of Policy ENV3 of the ERLP SDU and the guidance found within the ERDC and the Framework. Policy ENV3 seeks to conserve and enhance East Riding's historic environment. It states that development that will cause harm to the significance of a heritage asset will only be granted where clear and convincing justification for the harm can be demonstrated in line with national planning policy requirements, or demonstrate that the harm is appropriately weighed against public benefits in accordance with national policy. Furthermore, the ERDC notes that the design of shop fronts play a significant role in shaping attractive neighbourhoods and it is therefore important that shop fronts are well designed to create a feeling of vibrancy and legibility.

Conclusion

16. In conclusion, the development conflicts with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR