



Appeal Decision

Site visit made on 15 May 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/X3540/W/25/3360133

124 Bevan Street East, Lowestoft, NR32 2AQ

- 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 David Craik against the decision of East Suffolk Council.
 - The application Ref is DC/24/3367/FUL.
 - The development proposed is installation of external security roller shutters to shop fronts.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed shutters on the appearance of the shopfronts and upon the street scene, and whether they would preserve or enhance the character and appearance of the South Lowestoft and Kirkley Conservation Area.

Reasons

3. The site is a mid-terrace two storey building with the ground floor split into two commercial units with shopfronts facing onto Bevan Street East, within the Town Centre and within the South Lowestoft and Kirkley Conservation Area. The Conservation Area Appraisal and Management Plan for this conservation area describes Bevan Street East as *"a quieter side street, which is enclosed and commercial in character, with two to three storey terraced buildings fronting directly on the pavement to each side. The street is surfaced in small pavers, with high quality street furniture and street trees, which make a positive contribution to the appearance of the street"*. It has a mixed character in terms of scale and appearance, broadly of commercial uses on the ground floor, with a mixture of upper floor uses.
4. I formed the opinion at my site visit that this is a street that would benefit from investment in improving the appearance of the frontages, with better maintenance of the fabric. Of course, this requires that the commercial elements in particular are able to trade effectively and profitably. One aspect of this is that the security of business is important.
5. As paragraph 2 of National Planning Policy Framework (NPPF) points out *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate*

otherwise". In this case, the development plan is the East Suffolk Council, Waveney District Local Plan, adopted 20 March 2019. The 2 most relevant policies are, WLP8.29 - Design, and WLP8.39 - Conservation Areas. There is also policy WLP8.19 - Vitality and Viability of Town Centres which, whilst the supporting text emphasises the need support town centre viability, the policy itself, deals with changes of use, which is not a consideration in this case.

6. Policy WLP8.29 sets an expectation that development will demonstrate high quality design, reflecting local distinctiveness, whilst policy WLP8.39 requires development to be assessed against the relevant Conservation Area Appraisals and Management Plans and should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
7. Section 8 of the NPPF provides guidance on 'Promoting healthy and safe communities. Paragraph 96 begins "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*" (at point b) "*are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;*".
8. Taking these policies together, the appeal proposal must be judged against the need to encourage the viability of centres, to achieve high quality design, and preserve or enhance the character or appearance of the conservation area. The last of these follows the statutory requirement under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
9. In justification for putting forward the appeal proposal, the appellant makes the following points. Criminal damage has been caused to the shop fronts on multiple occasions, including breakage of plate glass display windows and entrance doors. Violence against one tenant shop keeper in September 2023 has necessitated an unscheduled change in the tenancy. The most recent publicly available Home Office information states: "In 2023, 1485 crimes were reported near Bevan Street East". Only 5% of streets in the UK are more dangerous. Bevan Street East lies within a crime hot spot in the centre of Lowestoft, reflected in increasing insurance premiums and repair costs that threaten the viability of small businesses. Without improved security the building is likely to join an increasing number of long term vacant retail premises in Bevan Street East.
10. The appellant also states that all options to enhance security have been carefully considered. External roller shutters provide the only effective option to protect and preserve the existing shop fronts.
11. As is often the case, the general aims of planning, and specific policies, can pull in opposite directions, or serve conflicting interests. This appeal is a case in point. Quite clearly it is important that all parts of a town centre (as in all other areas) should be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or damage the viability of businesses. At the same time, design and appearance are important issues in conservation areas.
12. The council offers some criticisms of the appellant's points set out in paragraph 9 above. There is no breakdown of the 1485 crimes quoted as to what those crimes

were, and in particular how many were breaking and entry into a commercial premises. The crime rate is for an area with 0.5 mile radius of the street, which includes all of the town centre and a considerable number of dwellings, and furthermore, options other than shutters have not been considered.

13. The appellant has countered these points in his final comments. From these it is clear that other options were considered, that in the past 3 years the appeal properties have had toughened glass broken and display items stolen, and that No.4 Bevan Street East (opposite) has also had plate glass broken, although the time period of this is not given. A list of offences on or near Bevan Street East is given, but none of these, it appears, would have been prevented or minimised by the installation of shutters.
14. In drawing these matters to a conclusion, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and there are policies of the development plan that aim to ensure that this is achieved in practice. At the same time, vitality and viability of town centres is an important aim, and crime and disorder, and the fear of crime, should be challenged by the implementation of policies. This means that measures to protect against crime should be supported, wherever possible.
15. Applying this approach to the appeal proposal, there is a particular difficulty in the context of the 2 shopfronts being unbalance, in the sense that, whilst the head moulding of the shopfronts, under the first floor windows, runs through between the dividing pilasters, the fascia with the shop signage is deeper on the shopfront to the left than that on the right.
16. This leads to difficulties in designing a satisfactory solution. It is the boxing at the heads of the roller shutters that are the most intrusive and unsightly elements, at least when the shutters are roller up, and these would not be in alignment. In addition, the boxes themselves, individually are necessarily substantial, which makes them difficult to assimilate into the generally fine detail of the mouldings, glazing bars, and doorways that remain of the original shopfronts. The shutters themselves, when lowered, would be damaging to the streetscene.
17. In conclusion, I consider that Bevan Street East, as I have remarked at paragraph 4 above, would benefit from investment in improving the appearance of the frontages, with better maintenance of the fabric. To achieve this, the commercial elements must be able to trade effectively and profitably; and therefore security and protection from crime is of great importance. This requires careful consideration as to effectiveness, whilst not harming the character and appearance that is of importance in attracting people who patronise it and give it life.
18. Whilst it might be expected that the shutters would normally only be closed out of trading hours, that could be extended on occasion to the normal working day and perhaps to longer periods, but even in the evenings, they would be an unpleasant element in the streetscene. And I am not convinced that the visually impenetrable shutters are the only effective way of providing security.
19. The proposal does not present a solution that resists crime whilst harmonising with the historic character of the street that has been recognised in its inclusion in the conservation area. The proposal does not marry the security needs with the design of the 2 shopfronts in a way that preserves or enhances the character and appearance of the conservation area.

20. I therefore conclude that the effect of the proposed shutters would be harmful to the appearance of the shopfronts and the street scene, and they would not preserve or enhance the character or appearance of the South Lowestoft and Kirkley Conservation Area. On balance, this outweighs the benefits of the proposal in providing increased security. Therefore, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR