



Appeal Decision

Site visit made on 20 May 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/N4720/W/25/3358436

Russell House, 15 St Pauls Street, Leeds LS1 2JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by JN Bentley Properties Limited against the decision of Leeds City Council.
 - The application Ref 24/04768/COND sought approval of details pursuant to condition No 3 of planning permission Ref 24/00503/FU, granted on 17th May 2024.
 - The application was refused by notice dated 11 October 2024.
 - The development proposed is reconfiguration to existing office entrance including new glazed screen with sliding door, external roller shutter, new signage and redecoration of existing signage zone.
 - The details for which approval is sought is condition 3 (external security shutters).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted under reference 24/00503/FU for the reconfiguration to existing office entrance including new glazed screen with sliding door, external roller shutter, new signage and redecoration of existing signage zone. A condition was imposed relating to the external security shutters and states, *'notwithstanding the details hereby approved and for the avoidance of doubt, no external security shutters shall be installed until full details (including manufacturer specification, type and colour) have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed and shall thereafter be maintained and not altered for as long as they remain in place'*.
3. The reason for the condition is in the interests of visual amenity. Consequently, I consider that the main issue in this case is the effect of the proposed external security shutters on the character and appearance of the host property and surrounding area including whether it would preserve or enhance the character or appearance of the City Centre Conservation Area (CA) and preserve the setting of nearby listed buildings.

Reasons

4. The appeal site relates to a ground floor office entrance situated within the City Centre where there are retail, food/drink and office uses nearby. It is located within a vibrant part of the City Centre situated between a Tesco's and Starbucks, both of which have glazed frontages. Currently, there is an existing

shutter at the site which is made up from solid steel laths at the bottom with the remaining upper part being an open/transparent lattice type shutter. This ensures views can be achieved into the premises and activates the frontage even when the premises is closed. This ensures the attractiveness and vibrancy of the area and general quality of the street.

5. As referred to above, the site falls within the CA and there are several listed buildings nearby. Such designated heritage assets are noted for their architectural and historic interest. I therefore have a statutory duty under Sections S66(1) and 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 the CA. It requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Saved Policy BD7 of the Leeds Unitary Development Plan (Review 2006) (UDPR) relates to shop fronts and explains that *'all new shop fronts should relate architecturally to the buildings in which they are inserted. where security measures are to be taken, the use of security glass or open mesh grilles will be encouraged and solid shutters permitted only in exceptional circumstances'*. The supporting text to this Policy explains that shop front security should be as unobtrusive as possible in order that shopping areas remain attractive after shops have closed.
7. Although the appeal site is technically not a shop front, the entrance forms part of a street dominated by ground floor retail and commercial uses to serve the public and the frontage forms part of this overall character. I therefore find Policy BD7 of the UDPR to be relevant to this scheme.
8. The details of the proposed roller shutter introduces a fairly solid roller shutter frontage and whilst some sections are perforated, the shutter is still relatively solid in its appearance which would be unappealing when the shutter is lowered. It would create a blank and harsh frontage with no visual connection from the street to the reflectivity of the glazed frontage or the nature of the uses and potential activity within the building. In doing so, it would fail to provide an attractive and suitably vibrant street frontage outside of office hours when the area still generates footfall given the various uses including late night uses in the area. This would not be visually in keeping with the street scene or the CA and the creation of a blank frontage has the potential to undermine the attractiveness and vibrancy of the shopping street. This is a clear breach against Policy BD7 of the UDPR and no justification has been provided in relation to the exceptional circumstances of such a solid shutter.
9. I appreciate that there are some solid/perforated shutters in the area which I was able to see as part of my site visit. However, these tend to be of a historic nature and have been installed either without planning permission or not in accordance with approved plans which may be immune from enforcement

action. Further, many of these are not located immediately surrounding the appeal site. Their presence would not justify harmful development, and I have considered this scheme based on its own merits. I appreciate that the shutter would be down outside of office hours during darker times, but it would still be down in the summer months when it is lighter for longer and over certain times of the weekends/public holidays and thus would still be harmful. Even when dark, the area still generates footfall as referred to above and this would not alter my findings. The slimmer box section may be more visually appealing when the shutter is open and would maximise the height of the glazed screen, but this would not overcome nor outweigh the harm I have identified when the shutter is lowered which would be harmful. I cannot agree that the proposed scheme would be a preferable option for the site.

10. For the reasons given above, I conclude that the submitted details would unacceptably harm the character and appearance of the host property and surrounding area and thus would fail to preserve the character or appearance of the CA. It would also fail to preserve the setting of the nearby listed buildings. This would result in less than substantial harm to the significance of these designated heritage assets.
11. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I have not been presented with sufficient public benefits to offset the identified harm to the CA or the setting of the listed buildings to which I have attached great weight given the requirements of the Framework. The appellant claims that large open sections would allow litter and debris to be dropped through the open gaps and raises concern regarding the breakage of glass. However, I am not sufficiently convinced that such matters could not be overcome by a scheme that would be less harmful to the CA and nearby listed buildings. Additionally, I understand that the consent granted under reference 24/00503/FU would remove the recessed entrance where a new glazed screen would sit immediately behind the new roller shutter and the opportunity for litter dropping would be limited.
13. Overall, the proposed external security shutters would be contrary to Policy BD7 of the UDPR. It would also not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness in line with the aims of Section 16 of the Framework relating to Conserving and Enhancing the Historic Environment.

Other Matters

14. The existing roller shutter may be dated and present issues in terms of mechanical performance, but this would not alter my findings in relation to the above main issue. I am aware of the appellant's frustrations with the Council during the application process but again this would not alter my findings on the scheme before me.

Conclusion

15. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR