
Appeal Decision

Site visit made on 6 May 2025

by L Fern BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2025

Appeal Ref: APP/E2001/W/25/3359788

European Mini Market, 41-43 Pasture Road, Goole DN14 6BP

- 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 Mohamed Abdul Rahman against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02575/PLF.
 - The development is described as the “installation of a canopy with grey steel supports and white uPVC fascia and guttering above existing roller shutter box”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and description of development used in the banner heading above differ from those on the original application form. However, they have been used by both East Riding of Yorkshire Council (the Council) and the appellant in subsequent documentation, and the description of development has been accepted by the appellant by written correspondence with the Council during the planning application process. I am therefore content that both are representative of the site location and what is proposed. I have omitted the phrase “*retrospective application*” from the description of development given that it does not constitute an act of development.
3. I noted from the evidence that the canopy has been erected, which was confirmed by my site visit observations. The development has largely been completed in-line with the submitted plans.
4. Since the submission of the appeal, the Council has adopted the East Riding Local Plan Strategy Document Update (April 2025) (ERLP SDU), which supersedes the Local Plan Strategy Document (April 2016), policy ENV1 of which formed the basis of the reason for refusal. Policy ENV1 has moved across to the ERLP SDU with some changes and additions to wording. However, the relevant parts of the policy relating to the reason for refusal remain unchanged, and I have determined the appeal accordingly. In the interests of fairness, both main parties have been afforded the opportunity to comment on the changes to local policy.
5. Paragraph 7 of the Council’s officer report concludes that the roller shutter and associated box are harmful to the appearance of the shopfront and wider area. The description of development and the evidence in front of me is clear in that it describes these elements as being existing features to which the proposed canopy sits above. The provision of the roller shutter and box do not form part of this

appeal, and I have dealt with the appeal on the basis that these elements are existing.

Main Issue

6. The main issue is the effect of the canopy on the character and appearance of the host property and the surrounding area.

Reasons

7. Pasture Road, in the vicinity of the appeal site, is characterised by the presence of terraced properties with commercial uses at ground floor level that front directly onto the footway. Most of the commercial properties have short frontages resulting in an abundance of signage and shopfront paraphernalia of varying designs and styles, creating a busy visual environment.
8. However, there is a distinct lack of shopfront elements projecting substantially beyond their host properties except for roller shutters and their associated boxes.
9. A fixed front projecting canopy has been erected to Nos 41-43 Pasture Road (Nos 41-43), which is the subject of this appeal. The canopy sits above and extends a considerable distance beyond the existing roller shutter and box, approximately doubling the projection from the building itself. Guttering has been attached to the canopy, with downpipes returning to the building on an angle.
10. Pasture Road, despite being commercially busy with signage and other shopfront items, is largely devoid of substantial front projecting development. The canopy to Nos 41-43 can be seen from a considerable distance along the relatively straight Pasture Road in both directions, despite being above eye level when in proximity. It is substantial in bulk given its permanent nature and the presence of fixed guttering and downpipes and therefore appears as an alien and incongruous feature within the street scene largely devoid of similar development, to the detriment of the character and appearance of the surrounding area.
11. The permanent nature of the canopy and its bulky design with fixed guttering and downpipes, and its extension a considerable distance from its host building, unbalances the front of the property and appears as an incongruous feature, to the detriment of the character and appearance of the host property.
12. The appellant has drawn my attention to two examples of front projecting canopies along Pasture Road as examples of similar development. I observed both properties, No 55 Pasture Road (No 55) and No 101 Pasture Road (No 101), during my site visit.
13. The canopy to No 55 was present but not deployed at the time of my visit. However, from the photographic evidence provided by the appellant, the canopy is retractable, minimal in size and bulk, and of a fabric material, and is therefore less dominant within its setting when compared to the appeal proposal.
14. At the time of my visit, the canopy at No 101 was not present. However, again from the photographic evidence provided, the canopy was retractable and of a design, scale and massing sympathetic to the property to which it serves, when compared to the appeal proposal.
15. Neither example is therefore comparable to the fixed canopy at Nos 41-43.

16. For the above reasons, I find significant harm to the character and appearance of the host property and the surrounding area, contrary to policy ENV1 of the ERLP SDU, which, amongst other matters, seeks to ensure development achieves high quality design having regard to the specific characteristics of the site's wider context and the character of the surrounding area.

Other Matters

17. I have taken into consideration the needs of the business at Nos 41-43 in requiring weather protection for customers, particularly given that produce is displayed externally to the front of the premises, which was observed during my site visit. However, there is no evidence before me to demonstrate that alternative designs and styles of canopy have been considered, such as a retractable fabric canopy that could be less intrusive and dominant within the street scene, such as the type found at No 55.
18. It is acknowledged that the commercial use of the property is supported by local planning policy. However, there is no evidence before me to suggest that the existing use would not continue successfully without the canopy in place.
19. I have also considered the appellant's assertion that there is no specific guidance in place that precludes the type of canopy erected. Whilst that may be the case, I have found conflict in relation to an adopted local planning policy that deals with general design considerations, and it would be a difficult prospect for the Council to provide detailed guidance for every design eventuality.
20. I have found significant harm to the character and appearance of the host property and the surrounding area, which is not outweighed by the material considerations forwarded by the appellant.

Conclusion

21. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR