



Appeal Decision

Site visit made on 2 September 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/A2280/F/22/3304820

171 High Street, Rochester, Kent ME1 1EH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Mr Robert Emery of Hilton Taylor against a listed building enforcement notice issued by Medway Council.
- The contravention of listed building control alleged in the notice is without the benefit of Listed Buildings Consent the installation of a solid roller shutter and associated housing on the front elevation of the Building.
- The requirements of the notices are to:
 1. Remove the solid roller shutter, and associated housing, from the front elevation of the Building and make good any damage to the Building resulting therefrom.
 2. Remove all resultant debris and materials from the site.
- The period for compliance with the requirements is 3 months.
- The appeal is made on the ground set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: The appeal is dismissed and the listed building enforcement notice is upheld.

Preliminary Matters

1. In determining this appeal involving the grade II listed building at 171 High Street, Rochester I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reasoning

2. The appeal on ground (e) is that listed building consent ought to be granted for the works. The main issue is whether the roller shutter and associated housing affect the features of special architectural and historic interest (or significance) that 171 High Street, Rochester possesses.
3. 171 High Street comprises a shop that was formerly a house dating to around 1800 with a modern shop front at ground floor and two whitewashed brick upper floors with slate hipped roof. There is a single window range of 9 pane hornless sashes in reveals, that at first floor I understand is a late twentieth century replacement. A traditional style streetlamp projects from the front elevation of the building at first floor. The building is attached to the Post Office building to one side and a two-storey shop on the other, in a prominent position within the centre of Rochester. The floor heights of both those buildings mean that the eaves of the three buildings are at a similar height and the shopfront of the neighbouring shop is higher than that at 171 High Street. The buildings are located within Rochester Conservation Area and contribute to the historic development of the area.

4. The special interest and significance of the building derives from its simple and modest historic appearance and form which demonstrates its historic fabric and provides an understanding of its past within the centre of Rochester.
5. The housing for the roller shutter projects from the bottom of the shopfront signage and encloses the roller shutter when it is rolled up. As a result, it is relatively prominent on this modest building. That diminishes the special architectural and historic interest of the listed building.
6. The roller shutter covers the frontage of the shop when it is rolled down, obscuring the shop and presenting a blank façade to the street. This dominates the appearance of the building at ground floor level, blocking views of the shopfront and affecting the building's contribution to the character and appearance of the area.
7. My attention has been drawn to other roller shutters in the High Street. Opposite the appeal site is S&J News, which has a roller shutter fitted in a similar manner to that at 171 High Street. That building is more substantial with detailed mouldings around the windows. Newlands Off-Licence is located some distance along the High Street and is the ground floor of a three storey Georgian style building. It is unclear whether these buildings are listed and I note that the Council indicate they may investigate those developments individually. As a result, this does not affect my conclusions on the effect of the roller shutter and its housing on the significance of 171 High Street.
8. I understand that there may be permission for works to the building that would include a new shopfront with removal of the shutter and its housing and the appellant has sought to explain the situation to the Council. They indicate some works have taken place but it appears works to the shopfront have not taken place yet. However, that would not materially affect the impact of the existing roller shutter and its housing on the significance of the listed building.
9. For these reasons, I conclude that the roller shutter and its housing harm the special architectural and historic interest (and significance) of 171 High Street. That affects its significance as a heritage asset. Whilst that harm is at a low to medium level on the spectrum of less than substantial harm, it is nevertheless of great weight when considering the conservation of the heritage asset.
10. Paragraph 215 of the National Planning Policy Framework (the Framework) establishes that, where a development proposal would 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 securing its optimum viable use. Roller shutters may improve the security of the shop and reduce the risk of theft and other anti-social behaviour. However, those benefits are minimal and cannot outweigh the identified harm to the listed building.
11. Taking account of all the above, the installation of the roller shutter and its housing is contrary to Policy BNE17 of the Medway Local Plan and the Framework that seek to protect the architectural and historic character of listed buildings and state that alterations should not be unsympathetic in design, scale or appearance.
12. For these reasons, I conclude that the appeal under ground (e) should fail.

Formal Decision

13. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

AJ Steen

INSPECTOR