



Appeal Decision

Site visit made on 3 September 2025

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/X3540/F/22/3297116

6 Upper Olland Street, Bungay, Suffolk NR35 1BG

- 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 Mehdi Mohabi against a listed building enforcement notice issued by East Suffolk Council.
- The contravention of listed building control alleged in the notice is without Listed Building Consent the unauthorised installation of a metal roller shutter and surface mounted box attached to the building and the attachment of unauthorised advertisements to the windows and surface mounted box.
- The requirements of the notices are to:
 - Step 1: Permanently remove the roller shutter, surface mounted box, vertical channels and all fixtures and fittings used to attach (and control/operate) the roller shutter from the Listed Building.
 - Step 2: Permanently remove from the Listed Building, the advertisements attached to the windows.
 - Step 3: Where unauthorised works have occurred and subsequently been removed, the making good to all surfaces and junctions disturbed by these works shall be carried out to match the existing original work adjacent, in respect of materials, detailing, quality of execution and finished appearance. If the fascia board, which previously existed, is found to have been removed as part of the works to install the shutter, this should be replaced to the same size, material, detailing finish and base colour as the previous arrangement.
- 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, the listed building enforcement notice is upheld and listed building consent is refused.

Preliminary Matters

1. In determining this appeal involving the grade II listed building at 6 Upper Olland Street, Bungay 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 6 Upper Olland Street possesses.
3. The listed building comprises a shop at ground floor with another floor above. It was constructed in the early 18th century of red brick with pantile roof and pilasters to the flanks with moulded caps and gable ends. The first floor windows are timber sashes and at ground floor is a modern shopfront. The shopfront is staggered such that the door is located within the return facing down the street rather than across it.

4. The building is located at the edge of the shopping centre of Bungay and within the Bungay Conservation Area that comprises a mix of historic development. Upper Olland Street is lined with 17-18th century houses, most of which are listed. Those around no. 6 are predominantly two storey modest buildings whose front elevations are directly to the rear of the pavement. They are a mix of rendered and brick buildings, with no. 6 having a slightly higher and more ornate eaves to the front than others, although lower than the neighbouring buildings at nos. 8-10. Although other buildings between no. 6 and St Marys Street have commercial uses on the ground floor, the modern shopfront is unusual and prominent in the street scene. The Bungay Conservation Area Appraisal identifies the shopfront as not complementing the group.
5. The significance of the listed building comprises its traditional brick upper floor and pilasters and the contribution of the building to the character and appearance of the conservation area.
6. The surface mounted box of the roller shutter projects above the shop front over the pavement, with the sides over the pilasters, dominating the ground floor of the building. The bright background colour of the box dominates. This exacerbates the harm arising from the modern appearance of the shopfront that appears incongruous in this area of traditional shopfronts and historic buildings. Its modern appearance and dominance of the building harms the special architectural and historic interest of the building.
7. The advertisements are over the window, restricting any views into the shop behind. Some are obscured by the display of produce in front of part of the window. They result in a modern commercial appearance that is at odds with the traditional surrounds and the architectural and historic appearance of the remainder of the building. I note that the appellant is willing to remove these advertisements but this would not overcome the effects of the roller shutter and its housing.
8. During the hours when it is closed, the shutter covers the shopfront, including the window advertisements. The shutter provides an, essentially, blank frontage to the street, further reducing the relationship between the street and the shop behind. As with the box and advertisements, they further add to the incongruity of this modern shopfront within this historic centre.
9. I understand that the box is fitted in such a way that it does not harm the fabric of the building, with the previous shopfront and fascia remaining behind the box. It would be possible to remove the shutter, box and advertisements and return the building to its condition prior to their installation if the current occupant were to vacate the building. I note the indication that a wrap could be applied to the roller shutter showing the historic front of the building. This may reduce the effect of the shutter to some extent but would not wholly overcome the effect of the shutter and its housing on the appearance of the building.
10. The appellant suggests difficulty in providing an internal shutter given the layout of the shopfront. However, it is unclear what those difficulties are or whether they could be overcome. It may be possible to install a hand written painted design but this would not wholly overcome the harm from the shutter and its housing.
11. For these reasons, I conclude that the metal roller shutter and surface mounted box attached to the building and the attachment of unauthorised advertisements to the windows and surface mounted box has resulted in harm to the special architectural

and historic interest of 6 Upper Olland Street. That has resulted in harm to the significance of the listed building as a heritage asset. I accept it is at a medium level on a spectrum of such harm but the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of heritage assets.

12. Paragraph 215 of 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.
13. I understand that the roller shutters were installed as a security measure when the building is unoccupied at night and vulnerable to break-in given the attractiveness of the stock. That assists in ensuring the viability of the business and the service it provides as a convenience store within the centre of Bungay.
14. For these reasons, I accept that the shutters improve security of the shop and reduce the risk of theft and other anti-social behaviour. However, those benefits are modest and cannot outweigh the identified harm to the listed building.
15. Taking account of all the above, the installation of advertisements, the roller shutter and its housing is contrary to Policy WLP8.37 of the Waveney Local Plan and the Framework that seek to conserve or enhance heritage assets.
16. For these reasons, I conclude that the appeal under ground (e) should fail.

Formal Decision

17. 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