



Appeal Decision

Site visit made on 27 January 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th FEBRUARY 2026

Appeal Ref: APP/V2004/C/24/3349747

52-54 New Bridge Road, Hull HU9 2RE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Jaspa Investments Ltd against an enforcement notice issued by Kingston-Upon-Hull City Council.
- The notice was issued on 27 June 2024.
- The breach of planning control as alleged in the notice is without planning permission the installation of a canopy to the frontage of the premises.
- The requirements of the notice are to: remove the unauthorised canopy and supporting frame, from the front of the premises.
- The period for compliance with the requirement is: 2 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appellant in its grounds of appeal makes reference to a submission of a separate costs application. However, no such costs application has been made, and the appeal has been determined on this basis.
2. Section 2 of the Notice describes the Land to which the Notice is subject as 52-54 Newbridge Road, shown edged red on the plan attached to the Notice. At my site visit it was clear that the name of the road was in fact New Bridge Road, and the plan does not include the land on which the canopy has been installed. The Council advise that the land on which the canopy stands is included in the Land Registry title, and therefore part of the land known as 52-54 New Bridge Road. No injustice would therefore occur to the appellant, or the Council were I to correct Section 2 of the Notice by amending the road name and deleting the plan and reference to it. I will therefore do so in my Formal Decision.

Main Issue

3. The main issue is the effect of the new canopy on the character and appearance of the host property, and the immediate area.

Reasons

4. The appeal site comprises a ground floor shop, part of a terrace of two storey properties, and at the end of a small parade of shops. Although the appeal property faces onto New Bridge Road, it has a partly diagonal alignment with the road and is set back much further than the adjoining shop unit, no.50, and the other shops in this parade. The new canopy infills most of this space, extending up

to the pavement edge in front of the appeal property. I saw on my site inspection that the canopy was open on its front and side, with no obviously visible shutters. I did not observe any other such canopies on shops in this immediate area.

5. The new canopy's significant forward projection in front of the host property, along with its considerable width and garish appearance make it very conspicuous when seen from close-up, and when looking up and down the road. Whilst the position of no. 50 partly hides some views of the new canopy, it is still visible from that side, particularly from the opposite side of the road.
6. Its flat roof design with supporting poles, and coloured cladding appear incongruous in front of the terrace of properties, particularly those to the side that do not have shops at ground floor level. Whether the appearance of produce for sale adds vibrancy to the area or not, the presence of the new canopy harmfully contrasts with the appearance of other shop frontages nearby, and its appearance is much different to that of shutters. As a result, its scale, design and materials create a dominant and discordant addition to the streetscene, that harms the character and appearance of the host property and the immediate area.
7. In coming to my decision, I have considered the argument made by the appellant that the removal of the new canopy would create a bland and sterile environment, but without any substantive evidence of what the property looked like before the canopy was added, or indeed how it would look once removed, I cannot attach any significant weight to that argument. Nor has any compelling evidence been provided to demonstrate that the new canopy does not hide any distinctive features on the host property. Furthermore, I am not convinced that it would be the most appropriate treatment for the frontage of the appeal property, even if those arguments were to be successfully made, and I do not find it to be an improvement to the appearance of the host property and the immediate area.
8. The appellant has referred to other similar canopies nearby. No precise details or locations of these have been provided to properly compare them to the appeal site. Consequently, this limited information has not led me to conclude differently regarding my findings above.
9. I therefore conclude that the new canopy would be harmful to the character and appearance of the host property, and the immediate area, and it would conflict with policies 14, 15 and 19 of the Hull Local Plan 2016-2032, adopted November 2017, that amongst other things requires the delivery of a high quality environment in terms of the relationship of new development with the surrounding built form and materials, to promote local distinctiveness, and for shop fronts to be designed with regard to the character of the building. Furthermore, the proposal would comply with paragraph 135 of the National Planning Policy Framework, insofar as it seeks to ensure development adds to the overall quality of the area, is visually attractive, and sympathetic to local character.

Other Matters

10. It is noted that the appellant stated that they tried to submit a retrospective application with the Council without success. Whether this be so, that is a separate matter between the respective parties.

11. The lack of complaints regarding the new canopy should not be taken as any form of indication as to whether it complies with the relevant policies of the development plan.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

13. It is directed that the enforcement notice is corrected by:
- in Section 2, the deletion of the words "shown edged red on the attached plan"; and,
 - the deletion of the plan attached to the enforcement notice.
14. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A Hunter

INSPECTOR