



Appeal Decision

Site visit made on 9 January 2015

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2015

Appeal Ref: APP/K2420/A/14/2227464

15 Derby Road, Hinckley, Leicestershire LE10 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gurmail Singh against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 14/00237/FUL, dated 10 March 2014, was refused by notice dated 6 May 2014.
 - The development proposed is a security shutter to the front of existing shop.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The proposal is to install a new external roller shutter with a shutter box above, both of which would be finished in metal. The shutter would span the majority of the ground floor frontage of 15 Derby Road, which is a largely flat fronted mid-terrace property within a short retail and commercial parade. The appeal unit is in use as a hot food takeaway.
 4. When closed, the proposed shutter would conceal most of the shop front including the main window and entrance. Even though the fascia above the shop window would remain visible, the shutter, when closed, would be an obtrusive feature that would detract the appearance of the existing building. This effect would be particularly evident if the shutter remains closed, thereby presenting a 'dead frontage', and other nearby commercial units or shops are open and trading. When the shutter is open, the protruding shutter box placed below the fascia would be a bulky and incongruous feature within the main façade even taking into account the outward projection of this existing sign.
 5. In my experience, perforated and open-lattice shutters can provide a view into the shop and allow some light to be cast onto the street to deter potential thieves. In doing so, these types of shutters can be less oppressive than their more solid counterparts and the appellant has put forward alternative options in this regard. However, as neither of the attached units within the same
-

parade as No 15 includes security features of this type, even a shutter that is perforated would still be conspicuous in the terrace and the local street scene. Altering the colour of the new shutter and its housing to match other parts of the host building would not successfully mitigate its harmful visual impact.

6. The local area to which No 15 belongs is varied in character and I saw that some nearby properties have external security features such as shutters and shutter boxes, including the nearby post office. In my opinion, this example, and others, also detract from the character and appearance of local street scene to which they belong. Therefore, these cases do not necessarily set a desirable precedent to follow.
7. That security is an important issue is in little doubt and I note the instance of damage to the shop front and windows at night in 2012 and more recently to the neighbouring property, to which the appellant has referred. The security features installed on other buildings in the vicinity of the site also provide evidence of occupiers and owners taking responsibility to deter acts of vandalism and theft in particular. Whilst similar security features may exist on properties nearby, I do not have the full background details to these cases to assess their relevance to this appeal. In any event, each development must be determined on its own merits, as I have done in this instance.
8. Equally, I have taken into account the implications for business viability of dealing with the threat of crime, not least in terms of the costs of installing and maintaining security measures, replacing damaged windows and putting in place appropriate property insurance. However, there are other ways of protecting ground floor frontages from vandalism and theft that are in my opinion less obtrusive in terms of visual impact on the property and the local street scene. The Council's Supplementary Planning Document: *Shopping and Shop Fronts* (SPD) provides some advice in this regard, to which the appellant has referred. In particular, the SPD states that solid shutters or those with micro perforations will not normally be allowed unless security poses a special problem and all measures advised by the Police have been taken or if the shop has an open frontage and no alternative would be possible. From the available evidence, I am not persuaded that either of these particular circumstances exists in this case.
9. The National Planning Policy Framework notes that planning decisions should aim to achieve places that promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. It also states that planning should aim to secure a high quality design and that development should add to the qualities of an area. As the proposal would fail to do so, it is my judgement that the balance of national guidance does not weigh in support of the appellant's case.
10. Against that background, I conclude that the proposed development would significantly harm the character and appearance of the local area. Therefore, it is contrary to Policy BE1 and Policy Retail 6 of the Hinckley and Bosworth Local Plan. These policies aim to ensure that development complements or enhances the character of the area and that shop fronts should respect the local style and materials of the building and its neighbours with security features integrated into the design.

11. I have had regard to all other matters raised, including the lack of any objections from others and note that the shutter would only be deployed when the business was closed. Nevertheless, for the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR