The Planning Inspectorate

Appeal Decision

Site visit made on 26 January 2012

by Peter Willows BA DipUED MRTPI

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

Decision date: 7 February 2012

Appeal Ref: APP/H1033/A/11/2158405
Poundworld Ltd, 34 Spring Gardens, Buxton, Derbyshire SK17 6BZ

- 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 Ajmal Safi against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0002, dated 5 January 2011, was refused by notice dated 13 June 2011.
- The development proposed is described as 'installation of shutter to protect main shop window from being broken'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Buxton-Hardwick Conservation Area.

Reasons

3. The appeal property is a ground floor shop at the end of a terrace on a main shopping street within Buxton town centre. The site lies within the Buxton-Hardwick Conservation Area. A character appraisal of the conservation area, published in 2007, describes Spring Gardens as having a linear, almost continuous built-up frontage. This traditional, 19th century stone terrace fits well within this setting and makes a positive overall contribution to the character and appearance of the conservation area. The shop front, which is not an original feature of the appeal property, is of a straightforward design, constructed of timber and painted.

4. The roller shutter, which has already been installed, was not lowered at the time of my site visit, which was during business hours. However, the metal shutter housing, positioned below the fascia, could be clearly seen. Photographs submitted with the appeal show that, when lowered, the shutter covers the whole shop front, including the door, and allows only very limited views through to the shop display. The shutter is constructed of metal, finished in blue to match the shop front, and is overtly modern in its appearance. In my view it appears out of place on a building of this age and traditional appearance.

5. Moreover, by so comprehensively covering up the shop front, it results in the unit having a 'dead' frontage when it is lowered. While I appreciate that the

town will not be so busy outside trading hours, I do not consider that the appearance of the shop ceases to be important. Indeed, the Council advises that Spring Gardens is a key pedestrian link through the town to the Market Place, which is a focus for the evening economy. From what I saw during my visit, I have no reason to doubt that this is so. The character appraisal for the conservation area describes Spring Gardens as having a 'completely active frontage', and that aspect of its character is eroded by the installation of this shutter on such a prominent building.

6. Another shop within the same terrace, just 2 doors away from the appeal property, has a similar roller shutter, which the Council advises has been in place for some time and is now immune from action to secure its removal. However, this did not appear to me to be typical of the area. Other shutters in the locality tend to be less intrusive in their design or located behind the shop's glazing, while other shops appear to use removal grilles or have no shutters at all. Therefore, notwithstanding that one similar shutter, the proposed shutter is an intrusive, visually harmful, addition to the locality.

7. For these reasons I find that the proposal harms the character and appearance of the conservation area. Although less than the 'substantial harm' referred to in Planning Policy Statement 5 *Planning for the Historic Environment* (PPS5), I nevertheless regard the extent of the harm as significant. I have noted the suggestion that the colour of the shutter could be changed, but that would not address my concerns.

8. I understand that there has been a break-in at the property in the past and am mindful of the importance of security to a retail business. However, the Council suggests other security measures, such as removable grilles, which it believes may be more appropriate in conservation areas, and I have no evidence that such alternatives have been considered. With that in mind, security considerations do not outweigh the harm I have found.

9. For the reasons set out above I conclude that the proposal conflicts with the aims for conservation areas within policy BC5 of the adopted High Peak Local Plan. There is conflict too with policies BC1, BC2, BC3 and GD4, which deal respectively with external materials, shop fronts, security measures and design. The scheme is also at odds with the principles relating to designated heritage assets set out in Policy HE9 of PPS5. Therefore, having considered all matters raised, I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR