The Planning Inspectorate

# Appeal Decision

Site visit made on 24 June 2014

**by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM**

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

**Decision date: 8 July 2014**

**Appeal Ref: APP/H1033/A/14/2216435**
**Ayla Convenience Store, 90 Victoria Street, Glossop, Derbyshire SK13 8HZ**

- 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 Amar Saleem against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0659, dated 20 November 2013, was refused by notice dated 17 February 2014.
- The development proposed is described as an "electric roller shutter to be fitted for security on the shop front. Already I have been threatened for my shop windows to be smashed".

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the development has already taken place, I consider the proposal to be an application for retrospective planning permission and have therefore dealt with the appeal on that basis.

3. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision. The relevant content of this guidance has been considered but, given the facts of this case, it does not alter my conclusions.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of Victoria Street.

## Reasons

5. The shop is on the ground floor of a traditional stone terrace, in a predominantly residential setting, with residential properties on each side and above. A limited number of commercial properties are located in the immediate area to the north east, with an increasing frequency of occurrence towards the centre of Glossop. The colour palette of the street scene is derived from the slate and sandstone construction materials giving it a strong visual coherence that remains more or less intact.

6. I observed that the vivid red shop front and associated shutter stand in stark contrast with the surrounding area. Whilst the contrast arising from the shop

front is somewhat lessened by its windows, no such relief is present when the shutter is closed thus creating a strident and highly incongruous feature. Moreover, the shutter causes disruption to the active street frontages outside opening hours to the significant detriment of local character. This impact would not be ameliorated by changing the colour. Whilst I acknowledge that two nearby shops have steel shutters, I am not aware of the full facts of their installation or whether they predate current policy and guidance. In any event, three other nearby shops do not have shutters and the presence of existing harm to the character and appearance of the local area does not justify further harm.

7. The appellant has argued that the shutter is needed to counter vandalism and ensure that the shop is secure when he is not present. Whilst I have sympathy with these concerns I have no substantiated evidence before me concerning damage to his property or the prevalence of vandalism in the local area. I note that the police have been involved in a shop-lifting incident, which I have no reason to doubt, however, the provision of a shutter would not alter the likelihood of future shop lifting. I also note that street lighting is present and that the shop is overlooked by a significant number of residential properties which, in my experience, would discourage any significant vandalism or forced entry. Moreover, an external shutter is not the only security measure that could be taken. As a result I am only able to give these concerns limited weight in the balance of this appeal.

8. Taking the above into account, I conclude that significant harm has been caused to the character and appearance of Victoria Street and that the proposal therefore conflicts with policies GD4 and BC1-BC3 of the High Peak Local Plan 2005 that seek, among other things, to ensure that proposals both respect and are sympathetic to the character of the host property, adjacent buildings and the wider townscape.

**Other Matters**

9. The appellant has suggested that a planning permission for a shutter was granted in 1994 and has submitted a document that was derived from the Council's planning portal. However, this is a database extract and not a copy of the original planning permission. As I do not have the full facts before me, I am not able to give this matter any weight in the balance of this appeal.

10. The appellant has suggested that the housing for the shutter could be screened by advertising, however, this is controlled under other legislation and not a matter for consideration in this type of appeal.

**Conclusion**

11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR