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## Appeal Decision

Site visit made on 27 November 2017

**by Thomas Shields MA DipURP MRTPI**

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

**Decision date: 30 November 2017**

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### **Appeal Ref: APP/F4410/C/17/3173168**

### **1-3 Silver Street, Doncaster, DN1 1HG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
  - The appeal is made by Wheatley Hall Properties Limited against an enforcement notice issued by Doncaster Metropolitan Borough Council.
  - The enforcement notice was issued on 1 March 2017.
  - The breach of planning control as alleged in the notice is without planning permission, the installation of external roller shutters to the shop frontage of 1/3 Silver Street.
  - The requirements of the notice are to remove the external roller shutters.
  - The period for compliance with the requirements is 2 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Act.
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### **Decision**

1. The appeal is dismissed, planning permission is refused and the enforcement notice is upheld.

#### *Main Issue*

2. This is the effect of the external roller shutters (shutters) on the character and appearance of the area, in particular the Doncaster High Street Conservation Area (CA), a designated heritage asset<sup>1</sup>.

#### *Assessment*

3. The appeal building is located at the corner of Silver Street and High Street. It is an attractive early C20<sup>th</sup> building, having a tall and imposing presence in the street scene. It retains many of its original architectural features including its rounded corner, projecting second floor bay and decorative banding. Its scale, design and features combine to provide a clearly intended prominence and importance appropriate for a key corner position; that being a feature in common with other corner buildings in the CA that I saw during my visit to the appeal site and the surrounding area.
4. At street level the ground floor frontage comprises glazed sections and an entrance doorway. Within the five glazed sections unpainted solid metal shutters have been installed externally. When not in operation they sit within their housing boxes, also unpainted but with shop advertising thereon. The housing boxes sit directly under and project forward of the deep fascia above.
5. I consider that the solid metal shutters and housing boxes are a highly unattractive addition and incongruous with the traditional construction and

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<sup>1</sup> National Planning Policy Framework (2012) : Annex 2:Glossary

form of this otherwise attractive building. They have an inappropriately industrialising appearance against the finer architectural and decorative facets I have described, and the size and forward projection of the housing boxes jar with the line and set-back plane of the frontage and the fascia above. Given the prominent position of the building I find overall that the development results in significant harm to the character and appearance of the building and the wider area.

6. Although no specific details or records of when windows have been broken have been provided, I nonetheless acknowledge that security and prevention of crime are serious matters to consider. However, there is no evidence before me of whether alternative security measures were explored by the appellant, for example using internal shutters, and/or security cameras and toughened glass. Consequently, I am not convinced that an adequate level of security and protection from vandalism could not be achieved using alternative methods, and without resulting in the significant harm to the character and appearance of the area I have previously identified.
7. I note the appellant's reference to rents in the primary shopping area and repair costs and viability. However, the fact that expense has been incurred by installing the existing shutters without planning permission can carry no advantage in support of allowing the appeal, and it is not clear to me that adoption of an alternative method of security would not have been similarly as effective in the longer term in reducing such costs as the installed shutters.
8. I also note the appellant's evidence with regard to boarded up properties and shutters and boxes at other premises, some of which I was able to see in the surrounding area. However, I do not know when, or if, any of those have been granted planning permission, and if so whether any such decisions were made before or after the Council's current Development Plan policies were adopted against which applications for planning permission are assessed. In any event, I consider that the undesirable appearance of other premises do not lend any support for allowing the development subject of this appeal which I have found to be significantly harmful as I have previously described.

## **Conclusion**

9. For all the above reasons I conclude that the shutters result in significant harm to the character and appearance of the building and the area. Although the harm is not substantial<sup>2</sup> in terms of the CA as a whole, they nonetheless fail to preserve or enhance the character and appearance of the CA in conflict with saved Policy ENV 25 of the Doncaster Unitary Development Plan (1998).
10. The development also conflicts with Policy CS14 of the Core Strategy (2012) which states that proposals should respond positively to existing site features and integrate well with their immediate and surrounding local area.
11. The appeal therefore fails on ground (a), planning permission is refused, and the enforcement notice upheld.

*Thomas Shields*

INSPECTOR

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<sup>2</sup> National Planning Policy Framework (2012), paragraphs 132 and 134