



Appeal Decision

Site visit made on 6 March 2017

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/Z0116/C/16/3160053

52 Picton Street, Bristol BS6 5QA

- 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 appeal is made by Mr Calum Yuill on behalf of Picton Street Media against an enforcement notice issued by Bristol City Council.
 - The enforcement notice was issued on 30 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission the installation of an external roller shutter and associated shutter housing structure to the front of the property.
 - The requirements of the notice are to completely remove the external roller shutter and associated shutter housing from the front of the property.
 - The period for compliance with the requirements is 30 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. No. 52 is a grade II listed building. The site is situated within the designated Montpelier Conservation Area [‘the CA’]. The main issues are as follows: firstly, whether the installation of an external roller shutter and associated housing structure preserves this grade II listed building and, linked to that, its setting; secondly whether the development preserves or enhances the character or appearance of the CA.

First main issue - grade II listed building

3. In considering whether to grant planning permission for development which affects a listed building or its setting, I must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In that context, I consider that the significance of this grade II listed building is derived from its external appearance and architectural style and interest. It dates from late 18th Century; it has limestone ashlar features on its front elevation and is a two-storey building with accommodation in its roof space. It has a simple fenestration detail suggestive of its construction period. It is located within a block of similarly designed buildings noticeable from various public vantages.
 4. No. 52 has a commercial unit at street level. The appellant contends that the original rusticated stone shop front has been lost, due to modern alterations done over time. Be that as it may, I consider that the building’s simple shop front design and straight forward layout makes a significant contribution to the special interest of this heritage
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asset. In contrast, the roller shutter and metal box, which houses the operating mechanism, as well as guiderails, are attached to the fabric of the building on its front elevation. These are seen as inconsiderate modern additions to the historic facade. In my view, the design and type of the roller shutter appears out-of-keeping with the building's appearance and style.

5. There is no evidence to indicate that an internal roller shutter is impractical. On the other hand, the external shutter and projecting metal box is a prominent feature. The shutter is readily apparent to passers-by when lowered. In combination with the housing structure, the roller shutter does little to preserve the building's special architectural features. Given the nature and type of external shutter, I find that the shop front alterations are incompatible with the architectural quality of the host building and they have an adverse impact on those elements that contribute to the special architectural interest of this building.
6. The uniform architectural style and use of traditional material in the external elevation of the building reinforces its setting among a block of similarly designed properties. The external roller shutter and associated equipment gives an impression of a blank facade; the shop display is not visible when the shutter is lowered because of its solid design. The apparatus do little to safeguard the visual interest of this heritage asset.
7. I conclude the development fails to preserve this grade II listed building and it visually harms its special architectural interest and setting. Accordingly, the development conflicts with purposes of Core Strategy 2011 ['CS'] policy BCS22, and policy DM31 of the Bristol Local Plan 2014 ['LP'], which are consistent with national policy found in paragraphs 17, 56, 128 to 134 to the National Planning Policy Framework.

Second main issue - character and appearance

8. The Montpelier Character Appraisal, adopted 2008, sets out in detail the special historic and architectural interest of the CA. The latter is characterised by rows of Georgian and Victorian terraced properties in residential use, though there are examples of commercial units at ground floor level. The area is mainly characterised by domestically scaled buildings that sit along the edge of the footway. Picton Street is described as a small-scale shopping area and includes properties with traditional shop fronts, sash windows and panelled doors. These features make significant contribution towards the special interest of the CA. Given the tightly defined geometry of the streetscape, this part of Bristol has a 'bohemian' atmosphere where there are a number of artists, organic and alternative shops.
9. In this location, the external roller shutter and associated housing structure are atypical of the traditional external appearance of buildings. The development is visually intrusive given the front position of the roller shutter combined with the location of the building in the street. It appears as an incongruous addition to the shop front, because of its solid design and projecting metal box. The layout does not complement the architectural style of shop fronts and the shutter's form is inconsistent with the aesthetic qualities of historic buildings in this part of the CA.
10. I conclude that the development harms, and thus does not preserve, the appearance of the CA. Accordingly, the development fails to comply with CS policy BCS21, and LP policies DM26 and DM30, and NPPF paragraphs cited above.

Other matters

11. In support of the development, the appellant advances other considerations as benefits.

12. It may be the case that some kind of security measure is necessary to protect the commercial unit from crime and disorder, but there is nothing before me to indicate that the appeal property has been subject to vandalism. Indeed, there is no evidence to support the claim that there is a threat from terrorism to businesses in this location. I am also cognisant of representations made about the perceived level of crime in the area, potential for anti-social behaviour and the need to improve and/or regenerate the area by supporting communities and businesses. The argument is that it is in the public interest to have roller shutter devices on front elevation to commercial buildings. Nevertheless, the type and design of the installed roller shutter causes serious harm to the fabric of this listed building. I have seen nothing to suggest alternative design cannot practically work. I attach limited weight to these arguments.
13. The appellant refers to existence of similar roller shutters in the vicinity. I do not know the exact circumstances of these other shop front alterations. This line of reasoning does not justify visually harmful development; the argument could often be repeated in favour of ruthless and insensitive alterations to any listed building, such as this. Moreover, as the character appraisal recognises the presence of these other examples points to a need for such development to be controlled in the interests of safeguarding the special architectural interest of the CA. To this line of reasoning, I attach little weight.
14. In my analysis, I have borne in mind the appellant's assertion that a petition has been signed by some 245 local residents and business owners in support. This is not determinative. Just because there is support for this type of roller shutter does not justify grant of planning permission for what is, essentially, insensitive alteration to a heritage asset.
15. The appellant is disappointed with the way in which the Council has investigated matters and determined retrospective applications. Nevertheless, none of those matters are for my determination and I cannot resolve them.

The planning balance

16. For all of the reasons given above, the subject development conflicts with the design and historic environment protection aims of local planning policies cited above. In the terms of the NPPF, the harm caused to the significance of the listed building and its setting, and the CA is substantial.
17. In my planning judgement and on balance, all of the considerations advanced in support of the development, whether taken individually or cumulatively, do not outweigh my findings on the first and second main issues stated above. Accordingly, the development conflicts with CS policies BCS21 and BCS22, LP policies DM26, DM30 and DM31, as well as national policy found in the NPPF cited above.

Conclusion

18. Having considered all other matters, I conclude that the appeal should not succeed. I have upheld the enforcement notice and refused to grant planning permission on the deemed application.

A U Ghafoor

Inspector