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# Appeal Decision

Site visit made on 22 May 2012

**by John G Millard DipArch RIBA FCI Arb**

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

**Decision date: 11 June 2012**

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## **Appeal Ref: APP/P1133/E/12/2170497**

### **24-26 Queen Street, Newton Abbot, South Devon TQ12 2EF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Michael Ashley against the decision of Teignbridge District Council.
  - The application Ref: 11/03440/LBC dated 17 October 2011 was refused by notice dated 10 January 2012.
  - The work proposed is described as high visibility shutters to shop entrance for out of trading hours use.
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## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 at which time a number of national Planning Policy Statements and other policy documents, upon which the appellant and/or the Council may have relied, were withdrawn. As my decision on the appeal must be consistent with the NPPF, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from adoption of the NPPF which they consider to have implications for their cases. In reaching my decision I have had due regard to any such comments received within the allotted time.
3. The shutters to which this appeal relates were installed before the date of the application which sought listed building consent for their retention under the provisions of section 8(3)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Main Issue**

4. The single main issue in this appeal is whether the shutters, as installed, preserve the listed building and any features of special architectural or historic interest it possesses.
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## Reasons

5. The appeal property comprises part of a terrace of nine shops on the south side of Queen Street dating from the first half of the 19<sup>th</sup> century and listed, as a group, in Grade II. The terrace makes a significant contribution to the street scene but its contribution is marred by the generally poor quality and unsympathetic characters of the mostly 20<sup>th</sup> century shopfronts. Of particular note in this regard is No 20/22, adjoining the appeal property, where the over dominant fascia partially covers the first floor windows and the entire double-width shopfront is fitted with retractable metal roller shutters housed in a surface mounted metal box.
6. The obvious exception to this general pattern is the appeal property where recent extensive refurbishment works included the installation of a new shopfront which, whilst not historically accurate, is well proportioned, elegantly detailed and of traditional painted timber construction. The design incorporates two centrally positioned recessed entrance doors, flanked by glazed returns to the display windows within the open-fronted lobbies thereby created. Overall, the new shopfront is clearly sympathetic to the historic character of the property, appropriately reflecting its listed status and its value as a designated heritage asset.
7. Not authorised as part of the refurbishment works were the open mesh security shutters that have been installed across the fronts of the two entrance recesses. These appear not to have been an integral part of the original design concept, being strictly modern engineered features, incompatible with the 19<sup>th</sup> century style shopfront and having no meaningful relationship with the moulded timber elements within which the metal guide channels are located. When in the open position, the shutters are largely concealed behind the fascia sign with only the guide channels and the bottom rails visible so that, except in close-up views, their impact is strictly limited. However, whenever the shop is not open for business the shutters are closed, in which position they are seen as incongruous and visually intrusive elements within the overall shopfront, detracting from the integrity and historic character of the property.
8. The appellant seeks to justify the inclusion of these shutters by reference to the nationally recognised ACPO publication '*Secured by Design*' (although no specific recommendations from that publication have been cited) and by their own experience that other security measures are generally less effective against determined intruders. Attention has also been drawn to the openness and relative transparency of the shutter design chosen, to the fact that the shutters are only seen when the shop is closed and to the extent that the property has been improved as a consequence of company's considerable financial investment.
9. There is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent although the development plan, which in this case it includes the adopted Teignbridge Local Plan 1996 (LP) and the adopted Devon Structure Plan 2004 (SP), is a material consideration. LP Policy C27 seeks to protect listed buildings from unsympathetic alterations and is supported in this objective by SP Policy CO7, both of which are consistent with the most up-to-date Government advice in part 12 of the NPPF. Also highlighted in the NPPF are the social, cultural,

economic and environmental benefits that conservation of the historic environment can bring.

10. Whilst recognising the improvements made to the historic character of the property by the appellant's refurbishment works and acknowledging what I am in no doubt are real security concerns, I find these considerations insufficient to outweigh the harm caused to the building's special architectural and historic interest by the unsympathetic security shutters. Having noted that there are many other shops in Queen Street with recessed entrances and no shutters, I am not persuaded that alternative and less visually harmful security measures could not be achieved. I therefore conclude that the installed shutters fail to preserve the listed building and are thus in conflict with national, regional and local policies for the protection and enhancement of the historic environment.
11. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR

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