



Appeal Decision

Site visit made on 5 January 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/N1350/Z/21/3285121

65 - 67 North Gate, Darlington, Durham DL1 1TR

- 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 Mrs Pauline Shannon (Waklin t/a CGX) against the decision of Darlington Borough Council.
 - The application Ref 21/00649/FUL, dated 27 May 2021, was refused by notice dated 22 July 2021.
 - The development is described as '*retrospective planning application to retain 2no. security shutters to the existing shop front*'.
-

Decision

1. The appeal is allowed and planning permission is granted for the retention of 2no. security shutters to the existing shop front at 65 - 67 North Gate, Darlington, Durham DL1 1TR in accordance with the terms of the application, Ref 21/00649/FUL, dated 27 May 2021, subject to the following condition:
 - 1) The development hereby approved shall be retained in accordance with the details shown on the following approved plans: site location plan; Drwg No: 21.145 01 and Drwg No: 21.145 02.

Preliminary Matters

2. It is clear that the application was submitted retrospectively and that the security shutters in question were already in situ. I am satisfied that this is the basis upon which the Council considered the application and so too therefore shall I.

Main Issue

3. The main issue is the effect of the retention of the security shutters on the character and appearance of the appeal property and the surrounding area.

Reasons

4. The appeal premises is located at the ground floor of a mid-20th century building on North Gate, towards the northern edge of the town centre and a short distance from the Town Centre Conservation Area (the CA). The existing shopfront is somewhat unusual in that whilst the stallriser forms a flat lower frontage, whilst the glazing units above are heavily articulated, essentially forming a central chamfered bay with external recesses to either side. The shop front is heavily recessed underneath projecting first and second floors.
5. The security shutters and all mountings, housing and runners are externally mounted. Both Darlington Local Plan (DLP) policy E38 and the 'Shopfront

Security' Planning Guidance Note (PGN) express the approach to security shutters in terms of preferences; integral elements will be preferred, open lattice types will be preferred in conservation areas, preferable if shutters mounted behind the window glazing and box housings must be mounted discretely within the fascia.

6. The heavily articulated glazed frontage appears, in this instance, to complicate the installation of internally mounted shutters. Whilst I acknowledge that the housing is not mounted behind the fascia either, the protruding and visually heavy concrete canopy is the dominant feature of the shopfront.
7. The shutters and their housing lie heavily recessed underneath the projecting upper floors such that the usual visual impact of projecting shutter housing is lost within the dark and shaded recess beneath. Nor, because of this heavy recess, are the shutter units particularly intrusive when closed. They are not perforated, grille or lattice type shutters as the PGN prefers in conservation areas, and DLP policy E38 more widely, but in the particular circumstances of this property I am satisfied that the shutters do not have a materially harmful, negative or adverse impact on the visual appearance of the appeal premises or the surrounding area.
8. The shopfront is wide, and the unit is located at the northern entrance to North Gate and the town centre. However, whilst visible and in a busy location within the town centre, the particular circumstances of the building and its shopfront, particularly the projecting upper floors, heavily recessed and articulated shopfront and location of the shutter housing, are such that the appeal scheme does not result in a material adverse effect on the character or appearance of 65 – 67 North Gate, nor to the North Gate streetscene. There is no conflict with DLP policy E38, or a material conflict with the PGN, as a consequence.
9. Although the Council note the position of the appeal property relative to the CA boundary, no specific harm to the setting of the CA is cited. I am satisfied in any event that, in relation to the setting of the CA and its special character and appearance, the particular circumstances of the appeal property are such that there would be no harm to the CA's setting.

Conditions

10. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. As the application was submitted retrospectively it is neither appropriate nor necessary to impose a commencement time limit condition. With regard to a plans condition, I have revised the wording so as to reflect the retrospective nature of the application.

Conclusion

11. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR