

**E/08/0472/B – Unauthorised erection of metal shutters at 21 The Green,
Ware, Herts, SG12 0QW**

Parish: WARE

Ward: WARE - TRINITY

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised metal shutters, shutter box and guide rails.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The solid steel shutters, shutter box and guide rails introduce an unattractive and fortified appearance which harms the perception of the area as a desirable shopping and leisure destination. They are harmful to the vitality of the shopping centre and the character of the area and are therefore contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located within a residential area and within a small local retail area.
- 1.2 The owners of the property have removed the original metal shutters to the front of the shop which were immune from enforcement action due to the time that they had been erected and replaced them with new solid metal shutters.
- 1.3 Concern was raised with the Enforcement Team in September 2008 regarding the erection of the new shutters without planning permission. A letter was sent to the owner on the 9th October 2008 stating that the new shutters required planning permission.
- 1.4 On the 30th December 2008 a second letter was sent to the owners requesting that an application be submitted within 21 days or the matter would be reported to the Development Control Committee.

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1.5 On the 14th January 2009, an application was submitted for the retention of the metal shutters and after due consideration the application was refused permission on the 8th April 2009 for the following reason;

1. The proposed solid steel shutters and shutter box introduce an unattractive and fortified appearance which may harm the perceptions of the area as a desirable shopping and leisure destination. This would be harmful to the vitality of the shopping centre and the character of the area and is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

1.6 Photographs will be available at the meeting.

2.0 Planning History

2.1 The recent relevant planning history is as follows: -

3/09/0054/FP Replacement metal shutters retrospective Refused

3.0 Policy

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:-

- ENV1 – Design and Environmental Quality
- ENV3 - Planning Out Crime – New Development.

4.0 Considerations

- 4.1 The determining issue in this case relates to the impact of the shutters on the appearance of the area and its attractiveness as a local shopping centre.
- 4.2 The Council's view on roller shutters, as set out in its guidance note on shopfront security, states that they can obliterate the shopfront, bringing a crude and deadening effect to the street, and create an unwelcoming and fortified appearance which increases the perceived risk of crime and reduces the level of natural supervision and surveillance.
- 4.3 Policy ENV1 requires all proposals to be of a high standard of design that reflect local distinctiveness. Policy ENV3 states that development should reduce the opportunity for crime by encouraging surveillance of streets and not be prejudicial to the character of the area and public amenity.

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4.4 The unauthorised external metal shutters, guide rails and shutter box in this case are considered to be incongruous, unattractive and out of keeping with the character and appearance of the shop frontage and are detrimental to the amenity and vitality of the local shopping area.

5.0 Recommendation

5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised metal shutters, shutter box and guide rails.