

**E/04/0482/B – Unauthorised roller shutters fitted to the front elevation of 4 Market Place, Hertford**

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**Parish: HERTFORD**

**Ward: - Hertford-Castle.**

**RECOMMENDATION**

That the Assistant Director Development Control, in consultation with the Assistant Director Law and Control, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such steps as may be required to secure the removal of the unauthorised roller shutters.

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

The roller shutters are out of keeping with and detrimental to the setting of nearby listed buildings, the character and appearance of the surrounding Conservation Area and the perceptions of the locality as a desirable shopping centre.

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**1.0 Background**

- 1.1 The site is positioned within a parade of shops located on the western side of Market Place directly opposite Shire Hall as illustrated on the attached Ordnance Survey extract. The immediate locality accommodates a number of listed buildings including Grade I (Shire Hall) and Grade II\* (No.2 Market Place and 'The Salisbury PH') and forms part of Hertford's Conservation Area.
- 1.2 A full planning application (LPA Ref: 3/03/0346/FP) was submitted on 21<sup>st</sup> February 2003 which sought retrospective planning permission for a shop front which included the roller shutters that are the subject of this report. This application however, was withdrawn by the applicants on 7<sup>th</sup> May 2003. A revised application was subsequently submitted on 22<sup>nd</sup> January 2004 (LPA Ref: 3/04/0128/FP) which sought planning permission for a replacement shop front again incorporating the existing roller shutter. After consideration the application was refused under delegated procedures on 5<sup>th</sup> March 2004 for the following reason:-

"The proposed shop front by reason of its external security shutter would be detrimental to the historic character of Hertford Conservation Area and the setting of a number of listed buildings, including the Grade I Listed Shire

Hall. It would thereby be contrary to policies BE16, BE18, BE26 and BE27 of the East Herts Local Plan.”

- 1.3 Following this decision the applicant has failed to lodge an appeal and officers have written to the professional representatives of the applicant on four separate occasions requesting that the unauthorised shutters be removed. At the time of writing the shutters are still in place and being used at the premises.
- 1.4 Photographs of the site and the roller shutters will be available at the committee meeting.

## **2.0 Considerations**

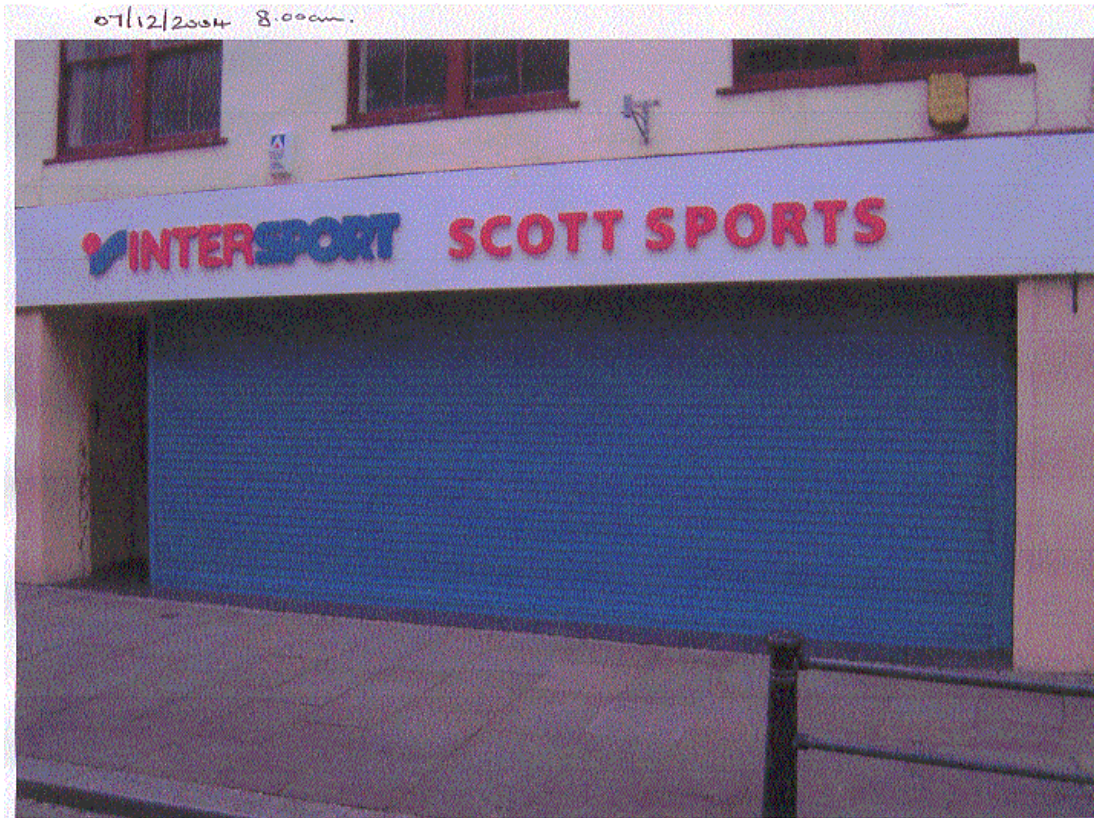
- 2.1 The determining issues in this case relate to the impact of the shutters on the setting of nearby listed buildings and on the character and appearance of the Conservation Area. In this respect, policies BE16, BE18, BE23, BE26 and BE27 of the adopted Local Plan are relevant. Also of material consideration are policies BH7, BH8, BH15, BH17, ENV6 and ENV7 of the East Herts Local Plan, Second Review, Re-Deposit Version which is currently out to public consultation.
- 2.2 The security shutters occupy the full width and height of the shop frontage, except for a small recessed doorway on the southern side of the shop frontage and the fascia board sited above the glazed shop windows. The resultant large expanse of shutter, combined with its ‘solid’ appearance, despite the presence of small perforations, obliterates the frontage and deadens the appearance of the shop unit. This creates a fortified image, damaging the attractiveness of the area to shoppers.
- 2.3 The shutters form an incongruous and unattractive feature within the historic centre of Hertford to the detriment of the setting of listed buildings including Shire Hall, a Grade I listed building situated directly opposite the site. The continued presence of the shutters also harms the character and appearance of the surrounding Conservation Area.
- 2.4 National Guidance in Circular 5/94, ‘Planning Out Crime’, refers to security shutters and highlights the problems that their introduction can cause. Paragraph 31 states:

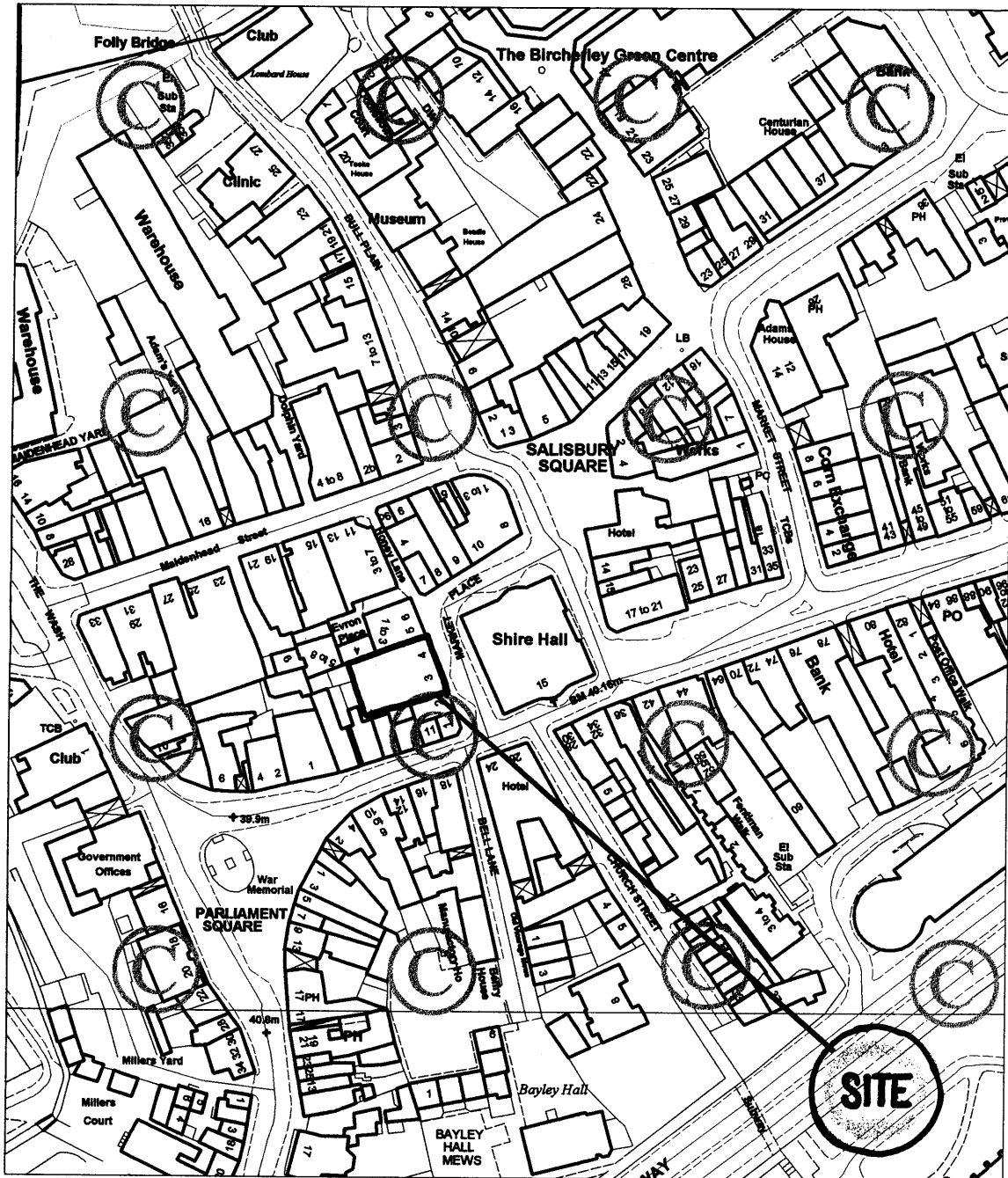
“Solid roller shutters can have an adverse environmental effect, giving an area a dead appearance and contributing towards the creation of a hostile atmosphere. They are also vulnerable to graffiti. This not only gives out signals about an areas vulnerability to crime, but can also deter the public from using such locations, thus losing the benefit of passive surveillance.”

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- 2.5 Circular 5/94 also states that shutters are only one of a number of possible measures that can be used to improve the security of business premises. It is of note that no alternative methods of security for the premises have been proposed by the owner of this business.
- 2.6 It is therefore recommended that enforcement action be authorised to secure the removal of these shutters for the reason given at the head of this report.







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