

Date: **14/12/2022**
Your ref: **APP/X5210/W/22/3312493**
Our ref: **2022/1770/P**
Contact: Edward Hodgson
Direct line: 020 7974 8186
Email: Edward.Hodgson@camden.gov.uk

Planning Solutions Team
Regeneration and planning
Culture & environment directorate

London Borough of Camden

Town Hall

Argyle Street

London

WC1H 8EQ

The Planning Inspectorate
3/B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Terry Scott,

Appeal by DeGusto Restaurant LTD.
Site: 94 Camden Road, London, NW1 9EA.

Appeal against refusal of planning permission dated 23 November 2022 for:

Proposal: Installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance (retrospective)

Permission was refused on the following grounds:

1. Impact on the character and appearance of the host building and conservation area.
2. The reduced pavement width impacting on pedestrian movement and accessibility by vulnerable or disabled users.

1.0 Summary

Site and designations

1.1 The application site is a 4-storey building on the east side of Camden Road. It has pale brick to front elevation and upvc windows. It is in use as a restaurant at ground floor level and forms part of a short parade of shops on this side of Camden Road.

1.2 The building is not listed but is located within the Camden Broadway Conservation Area.

1.3 Planning Permission was refused on 23 November 2022 for the reasons below:

1) The canopy, enclosure and planters, by virtue of their siting, size and design, appear as bulky, incongruous and unsympathetic additions that harm the character and appearance of the host property, streetscene and conservation area, contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017.

2) The timber enclosure, by virtue of its siting and size, results in a pavement width that is not wide enough for the number of people expected to use it, which is detrimental to the quality of the public realm and hinders pedestrian movement and accessibility by vulnerable or disabled users, contrary to policies A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

1.5 The Council's case is set out in detail in the attached Officer's Delegated Report, and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:

D1 – Design

D2 – Heritage

A1 – Managing the Impact of Development

C6 – Access for All

T1 – Prioritising Walking, cycling and public transport

2.2 The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 2 main points in response to the two reasons for refusals and these are addressed below:

1. The Appellant states that the development preserves the character and appearance of the conservation area. Enclosures and canopies are characteristic features to the forecourts of this part of the shopping parade and are integrated as part of the streetscape. The proposal follows the prevailing pattern of development in the area. The enclosure is constructed in timber materials which is normally considered to be sympathetic in conservation areas. The visual impact is considered acceptable in this context. The proposed enclosure would be reduced in height and width. The planters are considered to soften the appearance of the enclosure and are small in nature.

Response to point 1: It is noted that there are examples of canopies within the vicinity, however there are a number of other properties along the shopping parade that don't have canopies including at the immediate neighbours either side of the appeal site. It is therefore incorrect to suggest that they are a characteristic feature, and do not form a prevailing pattern of development. In addition, the Conservation Area Statement states that canopies detract from the character and appearance of the conservation area. The appellant refers to existing forecourt enclosures within the vicinity. The only example of a permanent enclosure exists at no. 43-45 Camden Road ('The Living Room'). This enclosure appears to be historic for which there is no planning history, and therefore cannot be taken as a precedent. It is noted that nearby retail units have outdoor seating and barriers, however these appear to be temporary in nature and can be moved. The examples at no. 90 Camden Road and 104 Camden Road have no formal planning history for the placement of tables, chairs and barriers. The enclosure at no. 94 appears as a permanent structure and means of enclosure. There are no other examples of such permanent structures on this side of the shopping parade, and therefore the development cannot be considered to be in keeping with pattern of development in the area. The timber slats, which appear unfinished and untreated, do not respond to the appearance of the host building with regards to materiality and design. The proposed structure, albeit reduced in height and depth, would still appear as an incongruous feature that would dominate the shopfront and detract from the visual appearance of the streetscene. The planters are uncharacteristic and add further visual clutter and bulk to the enclosure.

2. The Appellant submits that the enclosure retains sufficient pavement width that allows pedestrian movement without any obstruction. The proposed enclosure would have a reduced depth and the distance from the tree to the enclosure would be reduced from 2.2m wide 2.7m. Camden's Streetscape Design Manual states that 'clear footway' is the unobstructed pathway width within the footway and should be 1.8m wide for two passing adults and 3m wide for a busy pedestrian street. The proposed width of 2.7m is considered acceptable.

Response to point 2: The appellant has argued that the clear footway is the area measured from the enclosure to the tree trunk (2.2m). However, there is a tree pit in which the tree is located, and the distance should be measured from the edge of the tree pit, as it cannot be considered to form part of a clear footway. This distance is significantly less than the distance suggested by the appellant which is blatantly incorrect. The tree itself is also significantly wider than the one depicted on the drawings. The reality is that the tree and the enclosure create a pinch point which is an obstruction to pedestrians and more vulnerable users in wheelchairs or pushchairs.

4. Conclusion

4.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

4.2 The enclosure, canopy and planters, by reason of their location, size, design and visibility have a detrimental impact on the character and appearance of the conservation area and impact on the pavement.

5. Suggested conditions should the appeal be allowed.

5.1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan PL(B)01 Rev A, PL(B)02 Rev A, PL(B)22, PL(B)10, PL(B)12, PL(B)14, PL(B)20, PL(B)24, Planning Statement

Reason: For the avoidance of doubt and in the interest of proper planning.

If any further clarification of the appeal submissions is required please do not hesitate to contact Edward Hodgson on the above direct dial number or email address.

Yours sincerely,

Edward Hodgson
Planning Officer