

Enforcement Delegated Report

Receipt date:

27/03/2023

Officer

Joshua Cheung

Enforcement Case

EN21/1164

Breach Address

94 Camden Road, London, NW1 8LB

Photos & Other material



Authorised Officer Signature

04/04/2023

Alleged Breach

Without planning permission: installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance.

Recommendation(s):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 (as amended) requiring the removal of the retractable awning and timber enclosure and planters to the forecourt, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

Site Description

The site is a 4-storey building with a pale brick elevation on the east side of Camden Road. It forms part of the Georgian Terrace and the short parade of shops on this side of Camden Road. The site and terrace have historic features which benefit the appearance of the street scene and the surrounding area.

Investigation History

12/12/2021 – Enforcement case opened by our PSI and the offender was requested to regularise the breach.

25/04/2022 – DeGusto Ltd submitted a retrospective planning application (2022/1770/P - Installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance (retrospective)).

23/11/2022 – The application is refused with warning of enforcement action.

05/12/2022 – DeGusto Ltd submitted an appeal to the LPA's decision of refusal (APP/X5210/W/22/3312493).

22/02/2023 – A site visit was conducted by the current Enforcement Officer to confirm whether the unauthorised works were still in-situ as well as whether these works should be able to remain at the site whilst the APP/X5210/W/22/3312493 appeal progresses. By virtue of the active harm being inflicted to the immediate and surrounding area – which is outlined by the above reasons for refusal – it is considered that the works should not be allowed to remain whilst said appeal progresses.

27/02/2023 – Degusto Ltd was requested to totally remove the timber enclosure, planters and awning within 3 weeks.

01/03/2023 – In response to Degusto Ltd's email which regarded the APP/X5210/W/22/3312493 appeal, they are again requested to remove the unauthorised works by the deadline – no response.

21/03/2023 – Officer notified the agent that the compliance check will be carried out the next day.

22/03/2023 – Officer conducted the compliance check - breach is still in-situ.

Relevant policies / GPDO Category

National Planning Policy Framework 2021

The London Plan 2021

Camden Broadway Conservation Area Appraisal and Management Strategy 2009

Regents Canal Conservation Area Statement

Camden Local Plan 2017

D1 - Design

D2 – Heritage

T1 – Prioritising walking, cycling, and public transport

Camden Planning Guidance

CPG Design (2021)

CPG Transport (2021)

Assessment

Planning history:

2011/3063/P - Use of ground floor and part basement as a restaurant (Class A3). **Granted - 30/09/2011**

2014/6291/P – 94 Camden Road, London, NW1 9EA - Use of rear ground floor roof as a terrace (retrospective), and the installation of timber balustrade with trellis. **Refused with warning of enforcement action – 19/12/2014.**

2022/1770/P - Installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance (retrospective). **Refused with warning of enforcement action – 23/11/2022.**

Enforcement History:

EN14/0778 - The unauthorised installation of planters and decking to facilitate the use of the flat roof of the ground floor rear extension as a terrace. The unauthorised erection of timber support posts and timber housing erected to the rear of the ground floor rear extension. **Formal notice served and the timber enclosure was removed – 09/06/2015.**

Issues:

The main issues to consider in this case are as follows:

- Design and conservation;
- Managing the impact of development, Prioritising walking, cycling and public transport, Access for all

1.0 Design and Conservation

1.1 Local Plan policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development: a. respects local context and character; b. preserves or enhances the historic environment and heritage assets in accordance with policy D2 (Heritage). Policy D2 states that The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings.

1.2 CPG Design 2021 notes that blinds, canopies, and awnings should not dominate a shopfront or shop parade. They should have a minimum of 2.3m between the bottom of the blind to the pavement.

1.3 The Camden Broadway Conservation Area Appraisal and Management Strategy states that shopfronts are an important element in the character of the commercial part of the Camden Broadway Conservation Area and poorly design shopfronts, including canopies and shutters, detract from the character and appearance of the conservation area.

1.4 The unauthorised enclosure measures 4.4m wide, 3.7m deep and 1.24m high and is constructed with timber slats with planters in front. The enclosure is located on the forecourt of the premises and is adjacent to a tree. The application site forms a parade of shops; none of the neighbouring properties

have any permanent enclosures on the forecourts and the parade has a consistent building line with a wide pavement in front. The enclosure takes up a significant amount of space in front of the forecourt and extends significantly beyond the principal building line. This results in an incongruous and unsympathetic addition that is uncharacteristic as it does not follow or respect local the local character and context. It does not read as subordinate to the host property and dominates and detracts from the appearance of the shopfront. The enclosure creates a defensive appearance and reads as a physical barrier between the host building and public realm. The unfinished timber slats are poorly designed and appear inappropriate in the conservation area. The enclosure is highly visible in long views down Camden Road. The planters add increased bulk and further reduce the amount of usable pavement space, as discussed further below.

1.5 It is considered that the revisions to reduce the height and depth of the enclosure as proposed would not significantly improve its design and appearance as these would represent minimal alterations.

1.6 The canopy, when fully opened, measures approx. 2.1m from the bottom to the pavement which is contrary to above-mentioned Camden Planning Guidance. There are examples of other canopies along the parade including at nos. 90 and 104; however, the canopy here appears as a dominant feature which adds clutter to the host building.

1.7 The significance of this section of the conservation area is four storey buildings set back from the frontage which has a wide section of pavement. This relief allows views of the parade and long views towards along the street within the Camden Broadway conservation area and towards the canal and the Regent's Canal Conservation Area. The timber enclosure, planters and canopy are not considered to preserve or enhance the character and appearance of the Camden Broadway Conservation Area. They add clutter to the frontage of the building and reduce the width of the pavement. Overall they constitute 'less than substantial harm', however do not provide any demonstrable public benefits that would outweigh this harm.

1.8 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, street scene and wider conservation area, contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017.

2.0 Managing the impact of development, Prioritising walking, cycling and public transport, Access for all

2.1 Policy T1 of the Camden Local Plan states that development should provide high quality footpaths and pavements that are wide enough for the number of people expected to use them.

2.2 The timber enclosure is located directly behind a tree located within a gravel treepit. The actual pavement width between the enclosure and the gravel pit is approx. 1.5m. The section of pavement serves the parade of shops and is close to transport infrastructure including Camden Road Overground Station. The narrow pavement is likely to cause to a bottleneck when the pavement is used at peak times and is especially problematic for wheelchair and pushchair users. It is considered that further reducing the depth of the enclosure and increasing the useable pavement width by 0.5m to a total of 2m would not significantly improve the width of the pavement needed for the number of people who use it, contrary to policy T1 of the Camden Local Plan which seeks to ensure that the pedestrian environment promotes walking.

2.3 Camden's Streetscape Design manual – section 3.01 footway width states: "Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway: 1.8 metres – minimum width needed for two adults passing; 3 metres – minimum width for busy pedestrian street. Neither the current width of 1.5m nor the proposed width of 2m would comply with these requirements and it is considered that there would be insufficient space for pedestrians on this busy footway to safely pass by without hindrance due to the restriction caused by the tree opposite the enclosure. The width would also be insufficient for the needs of vulnerable or disabled users and

therefore be contrary to policy C6 which encourages inclusive access.

2.4 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.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 (as amended) requiring the removal of the retractable awning and timber enclosure and planters to the forecourt, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Without planning permission: Unauthorised installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance.

WHAT ARE YOU REQUIRED TO DO:

1. Completely remove the retractable awning and make good any damage as a result of this operation.
2. Completely remove the timber enclosure and planters located on the forecourt, remove all resultant material and make good any damage as a result of these operations.

PERIOD OF COMPLIANCE: One month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

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, street scene 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, reduces the amount of useable, unobstructed footway, which is detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), 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.