

# PLANNING APPEAL STATEMENT OF CASE

Section 78 Town and Country Planning Act 1990,

Planning appeal against the refusal by Camden Council  
of the planning application:

External storage unit for Leverton Stores located on  
retail forecourt of 50 Leverton Street, London NW5  
2PG

Application No: 2022/3654/P

Doc Ref: SOC 2000

Issue Date: 21 May 2023

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# 1 Introduction

This Statement provides the Appellant's Statement of Case giving full particulars and copies of documents it refers to and any other evidence at the time of making the appeal. The appeal is pursuant to Section 78 of the Town and Country Planning Act 1990.

## 1.1 Site Description

The site comprises a three-storey end of terrace property located on the south eastern side of Leverton Street, on the junction with Ascham Street. The property contains an A1 use at ground floor level, currently in use as Grocery/Convenience store and two residential units located on the upper (1st & 2nd floors). The site lies within a terrace of similar properties (mainly three storey terraced properties), that are predominantly in residential use.



Figure 1 Site plan denotes location of application (shown in red)

The site is located diagonally across the road from the listed Pineapple Public House. Though it is not listed, it lies within the Bartholomew Estate and Kentish Town Conservation Area, and is noted as making a positive contribution to the character and appearance of the conservation area. The application site consists of a retail unit which occupies part of the ground floor of a terraced property. It is abutted by a semi-detached residential property to the south and motor repair workshop to the east. It has no garden space to the rear but does have a small amount of open hard space to its front alongside the street's pavement. There is no boundary wall between the two of these contiguous surfaces.

The relevant shop façade (west elevation) as seen on drawing 2000-PL-004 of the application retains much of its original the visual character, proportions, rhythm and form of original/historic shopfronts. This consists of a large timber framed window subdivided by two timber mullions on a painted brickwork low level stallriser with a painted fascia, projecting cornice and awning over. There is a rendered pilaster at the south end and an angled door at the north end/corner. In front of both are steel security roller shutters. When open it is only possible to see into the shop through one of the glazed panels as the others are obscured by shelving displays inside the shop.

2.4 Within the confines of the shop forecourt there are refrigeration compressor and pump enclosures (which are to remain) and a static produce open racking unit (which will be replaced).



*Figure 2 Photo of Leverton Street looking southwards showing Leverton Stores.*

## 1.2 Planning History

A search of the Camden Council's website was conducted to determine any relevant planning history relating to the application site with the following results:

- 2013/3848/P - Details relating to condition 3 (noise) of planning permission granted 6/2/12 (ref: 2011/6412/P) for the installation of a condenser unit on the front forecourt of existing retail shop. Granted 27-01-2015.
- 2011/6412/P - Installation of a condenser unit on the front forecourt of existing retail shop. Granted 06-02-2012
- 2011/2673/P - Installation of condenser unit and associated enclosure on front forecourt of existing retail shop. Withdrawn
- 30761 - Alterations and extensions to the existing single-storey building for use for the repair and service of motor vehicles. Conditional 22-09-1980.
- 25467 - Continued use for minor car repairs. Limited Permission 16-01-1978
- F12/8/2/1398 - The use of the garage at the rear of 50 Leverton Street, Camden for car repair. Refusal 07-04-1966

## 1.4 Working with the LPA

The Applicant recognises that this application would be one that doesn't sit easily within planners' mind set and would require some collaborative dialogue with LPA (Local Planning Authority - Camden). Proceeding in accordance with clauses 38 and 39 of the National Planning Policy Framework, it was wrongly assumed that due to its unique site and social conditions that the LPA would take a holistic and proactive approach to discuss development proposals. In

fact, the LPA during the consultation process did not enter into any dialogue or work with the Appellant in a positive and proactive manner prior to the issue of a Refusal and Warning of Enforcement Action. It has neither tabled any issues that arose from the application nor when possible suggested solutions to secure a successful outcome. It is accepted in the past, during the pandemic that we were all working under exceptional health regulations so face to face meetings were not possible, but subsequently a “hands off” remote working practice seems to have become the LPA’s prevalent methodology.

A fundamental failing of the process has been that though LPA’s Planning Application website indicated a decision status as “Refused and Warning of Enforcement Action to be Taken” was listed in January, no accompanying Decision Notice or the Case Officers Delegated Report could be seen, nor was a hard copy received by the Appellant. The consequences of this are further described in sections 1.6 and 1.7 of SOC.

Normally before making an appeal, the Appellant would have entered into discussions with the LPA regarding a new application but based on the experience so far which culminated in an impression that based on their stance that the only a mobile storage unit that could be stored within the premises at night. As the new storage unit was already fixed on site, an appeal seemed to be the only fair route to properly determine the application’s viability.

### 1.5 Pre-Application Activity and Actions

The LPA was informally approached by the Appellant via the local MP about a new storage in February 2021 and received the following response:

*My comments remain the same, we would not accept an increase in visual clutter and any form of enclosure to the front of this shopfront. Your proposal would be classed as a permanent installation which would detract from the appearance of the building and would cause less than substantial harm to the host building which is a positive contributor to the conservation area. The benefits to the functionality of shop are not public benefits which would outweigh the harm to the conservation area. The case you mention at 121A Islip Street was a lawful development certificate that established the structure had been in place for over 10 years. It was not granted planning permission in relation to local plan policies. Should an application be submitted for the installation of a permanent storage structure to the front of this shopfront it would be refused planning permission. We cannot treat this as a ‘one-off’ or ‘exceptional circumstance’ as requested in the letter.*

The Appellant was disappointed by this and felt the respondent’s interpretation of local plan regulations with respect to the proposal was selective and that there were a number of subjective points that disregarded the reality of the shop’s long-term survival. The status quo was that a large open rack, numerous crates boxes and trolley had been in use for numerous years (see Fig 3 below) and the proposal would in fact improve the visual clutter by reducing the need for most of these. There were some semantics over the classing of the proposal even though both the proposal and the existing rack are static objects that could be moved if required. The proposal was to be designed with materials that match the host building which yet again is an improvement to the status quo yet this was ignored. Any public benefits were downgraded to just an improvement to the functionality of shop rather being essential to its survival. Lastly the risk of shop closure in a difficult market were completely ignored.

The fact that a similar shop referred as valuable by KTNF Policy CC4: Protection of Shops Outside the Centre had without planning permission build an enclosure over the whole of its forecourt to provide some additional floor space to aid its survival didn’t seem to be recognised by LPA.

Based on the LPA’s intransigent position the Appellant commenced the installation of the new external storage unit.





*Figure 3 Photo of set up outside the shop "before" application*

## 1.6 Application Activity and Actions

Mid-August 2022 the LPA contacted the Appellant and advised that the installation was illegal. Thereafter a retrospective planning application was uploaded onto the Planning Portal on 25 August 2022. This was subsequently registered by LPA on 3 October 2022. During the consultee period a petition was commenced by the Appellant to canvas local support and forwarded to the LPA for inclusion. Though obliquely referred to the LPA Delegated Report this document was not uploaded to the Related Documents on the LPA's website. A copy (see Appendix 3) is included within the documents submitted as part of this Appeal for the Inspector's information.

Having not heard anything from the LPA the Appellant looked at the LPA's on-line website on 12 January 2023 to see if it was progressing. "The Application Progress Summary" indicated a decision status as "Refused and Warning of Enforcement Action to be Taken" dated 5 January 2023 but neither a Decision Notice nor Officers Report had been uploaded to ratify this.

As nothing had been received by then in hard copy format either the Appellant contacted the Leader of the Council to express his concern over the confusing actions of the LPA on 13 January 2023

## 1.7 Post Application Activity and Actions

As the Leader of the Council no longer represented this area so it was taken up by the Councillor for the area who agreed to meet the Appellant but unfortunately the Appellant broke his hip in January and the meeting did not take place until 5 May 2023. In that time the Appellant had stopped looking at the LPA's web site and was unaware that the missing critical documents had been mysteriously uploaded dated 27 February 2023.

Subsequent to the 5 May meeting the Local Councillor took up the case with the Planning Team. The following day a member of the Planners Enforcement Team contacted the Appellant stating that unless the storage unit was removed an enforcement notice would be served. It was suggested the Appellant could lodge an appeal against the Decision but the Appellant replied that based on a decision date of 3 January the opportunity for one had passed. The only other suggestion made then was that if the storage unit was mobile and stored within the shop when closed this would be acceptable. The Appellant responded that this wasn't possible as the shop does not have sufficient open space to accommodate the unit nor would it fit through the existing door. Modifying the door would probably not be acceptable to LPA either. The Appellant summarised that as there were no viable suggestions on the table the only way forward would be to appeal against the notice.

Following this the Local Councillor agreed to contact the Chief Planning Officer to see if anything further could resolve this standoff. On 18 May he wrote to him to request an extension to your appeal period as the decision was not communicated to you with the speed it should have been, which the Chief Planning Officer has agreed to contact the Inspectorate about. The Appellant is hopeful that this acceptable to the Inspectorate and produced this document on this basis.

## 2 Application Context

### 2.1 Social Context

Leverton Stores is an established independent business which the Appellant has run at this location since 1984. Over this period, he has built a reputation as a pillar of the local community. Under his guidance Leverton Stores has become the beating heart of the community linking neighbours in a web of economic and social relationships, as well as contributing to local causes. As an individual trader, he has been forced to offer a different retail experience by adding that personalised touch to each and every visit. To meet the demands of an ever-changing marketplace as the sale of base goods has been swallowed up by the national supermarket chains he has had to turn to being a provider of multiple niche item in its place. This has placed considerable strain on the available space within the limited confines of a small corner shop.

It is well known that locally owned businesses build strong communities by going the extra mile on service (which is generally not possible at chain stores). This shop has developed a great reputation for this, and it has resulted in loyal and happy customers (including the local member of parliament). As an individual shop it has to show more flexibility in sourcing products that suit their customers. There also appears to be willingness from the local communities to reciprocate and participate where they feel they are receiving a personal service. Local people make reference to 'supporting' local shops that they value not just 'shopping' at them, giving it a unique role within the community. Leverton Stores reflects how old corner shops have had to evolve in an ever-changing market place.

It holds a specific importance for the less mobile and vulnerable members of the community especially with the staff and residents of Ash Court Care Home which is located around the corner in Ascham Street: Face to face contact and personalised interaction appear to be an essential characteristic for this valued neighbourhood "hub". During the Covid Pandemic isolated local customers living alone benefited from personal deliveries to provide goods and social contact. This included the elderly, the infirm and those without access to a car.

### 2.2 Area Evolvement

Evolution is characterised not only imperceptibly by gradual changes but also by 'punctuated equilibrium' – sudden changes brought about by a mix of environmental change and fortuitous genetic mutation. It is hard to identify a period in recent history when so many paradigm-altering events have occurred simultaneously, quickly and in such number as those that now face residential areas. These can be generally be categorises as owner led or government (both nation and local) led.



The Bartholomew Estate and Kentish Town Conservation Area has numerous forums that aim to deliver the long-term goal of a balanced and vibrant neighbourhood. They understand and accommodate the market driven subdivision of the larger houses as led to a larger and more biodiverse community. Within this vocal community they are very protective of their environment but are open minded enough to accept reasoned arguments and justification for change.

The Appellant is very open to necessary changes but sadly has found the LPA seem to see their role with regards to this particular Application as almost preserving a frozen Disneyesque appearance for the neighbour. This is rather surprising as the most items that cause the greatest visual impacts to the area are all down to Local Plan policies. Examples of these within the Bartholomew Estate and Kentish Town Conservation Area can be seen below. These are just limited examples of multiple instances.

The Appellant accepts that all of the below are necessary as part of an evolving present-day existence but finds it curious that the flexibility shown by LPA to the acceptance these was not on offer regarding the new storage unit who will have far less impact to the character of the community and offer a vast improvement on what was previously there.



*Figure 4 Photo showing an assortment of large domestic waste collection bins accommodated at end of Falkland Road*





*Figure 5 Photo showing industrial waste bins in front of listed building diagonally across the road from Leverton Stores on Leverton Street*



*Figure 6 Photo showing an assortment of large domestic waste bins on Countess Road that are too large to be accommodated within their owners' residences and therefore have to remain on the street.*



Figure 7 Photo showing highly visible cycle storage units and e-scooter bays on Ospringe Road.



Figure 8 Photo showing electric car charging point on Ospringe Road.



## 3 Grounds for Appeal

LPA refused planning permission on 3 January 2023 or 29 February 2023 (see section 1.7 of SOC for further clarification).

The section below is the Appellant's response to the points for refusal provided by the LPA within their Delegated Report dated 5<sup>th</sup> March 2020. Again, in addition to errors over the issuing of this document the incorrect Expiry & Consultation Expiry dates on this document raises yet another concern over when it was actually written. The bold black text and numbering below are to be read in accordance with those in the Delegated report.

Please note: In all photographs showing the new storage unit, the old (red) open rack is visible beside it. This will be removed if this appeal is successful. If not, it will return to its previous location. Consideration of any impact should be taken with this and it's removal in mind when viewing these photographs.

### 3.1 The Proposal Issues Response

**1.1. Retrospective planning permission is sought for a storage unit at the front of the shop and the removal of an existing unit.**

Agreed

**1.2. The new storage unit measures 2.2m high, 2.1m wide and 0.5m deep and the existing unit measures 1.5m high, 1.8m wide and 0.75m deep.**

The capacity of existing unit is 2.025m<sup>3</sup> while that of the new storage unit is 2.31m<sup>3</sup> This equates to an increase in capacity of only 14%. The amount of display space of the existing unit is 3 linear m while that of the new storage unit is 10.5 linear m. This equates to 2.5 times more usable space in the new unit. Considering the minor increase in volume through imaginative design and intelligent use of space more functional space has been provided without harming the surroundings.

### 3.2 Design and Heritage Issues Response

**2.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area. Policy D3 Shopfronts seeks to protect the existing character, architectural and historic merit and design of the building and its shopfront.**

The Appellant does not agree with the above statement as the LPA considers the new storage unit as a new addition rather than taking a holistic flexible approach. The LPA sees it as a new imposition rather than an opportunity to safeguard a heritage asset and implement a vast improvement on the old which inexplicably the LPA seems determined to retain. The proposed changes to the shop's forecourt enhance both the character and appearance of the area as well as support the continuation of an important community benefit.

The LPA have raised a number of specific issues which the appellant would respond to as follows:

#### **D1 Design**

**"development should respect local context and character"**. The location of Leverton Stores on one of the corners of the only commercial hub within the Bartholomew Estate and Kentish Town Conservation Area. Therefore, its context is different to that of the neighbouring houses requiring a different sensitivity. The placement of the new storage units does pay respect to the undulating streetscape formed by the single storey bays to the adjacent housing. The new storage unit has been sited to align with these and it's edge and that of the bay are equidistance off the party



wall line (see Fig 9). The opening up of the corner of the site will also considerably improve accessibility for customers and passing pedestrians.

***“comprise details and materials that are of high quality and complement the local character”*** Leverton Stores is in an unique situation of being the sole shop within the Bartholomew Estate and Kentish Town Conservation Area so its host building has had to be considered with regards providing a pallet of suitable materials. While the shop is open the storage unit’s appearance is diminished by the shop’s vibrant stock and canopy (see Fig 10). When the shop is not open then the new storage unit is far more visible so the materials selected were to match the existing roller shutter aiding it blending into that background (see Fig 11). The current installation is incomplete as due to the threat of the Enforcement Notice work on the final finishes and signage was postponed.

***“respond to natural features”*** The proposal will reduce the amount of visual clutter around the forecourt and street corner further enhancing the site’s natural features.

#### **Policy D2 Heritage**

***“in order to maintain the character of Camden’s conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area”***

Apart from the benefits to the Bartholomew Estate and Kentish Town Conservation Area as noted above. Recognition should be noted of the support for the planning application from the community. Leverton Stores is not just a retail unit but is seen as a vital part of the local community acting as a social hub

#### **Policy D3 Shopfronts**

***“to protect the existing character, architectural and historic merit and design of the building and its shopfront”***

The new storage unit has been deliberately been designed to be free standing to ensure no fixings or supports were required off the host building ensuring its existing character, architectural and historic merit and shopfront remain untouched. The rear of the new storage has an open mesh cladding through which the existing shop front can still be seen (see Fig 11). Though the new storage unit has been bolted to the ground to ensure its stability it has been designed to be easily removed if no longer required by the shop.



*Figure 9 Photo showing the alignment of the front of the new storage unit to the adjacent bay windows.*





Figure 10 Photo showing visibility of the new storage unit when shop is open.



Figure 11 Photo showing visibility of the new storage unit when shop is not open.



*Figure 12 Photo showing mesh back lining of the new storage unit allowing the façade beyond to be seen.*

**2.5. The shop is of a traditional Victorian format, with large windows to advertise the shop and its contents. The window is a key element of this site and a positive contributor to the local area. The addition of the unit detracts from the Victorian shopfront. The existing unit blocked 19% of the shopfront whereas the new unit blocks 42% of the window from view of the street, thereby changing the appearance of the building and detracting significantly from the character and appearance of the conservation area. The previous storage unit was also lower by 0.7m, which helped to mitigate its visual impact.**

The Appellant would request LPA review the actual internal display set up of the shop rather than undertaking a remote desk top study on blocked visibility. A visit to review how the shop operates would have made it obvious that the zone around the old open rack did not provide any views in from the street. Internal shelving displaying goods that are only viewed from inside the shop means that two out of the three large shop windows have never provided views into the shop. As, can be seen from the photographs below passers-by can only see into the shop through southernmost of the three large shop windows on the Leverton Street façade. This has been carefully considered and deliberately retained as part of the proposed design continuing to provide safety through passive surveillance or 'eyes on the street'.

The LPA could have considered the new storage unit when open with its array of goods would create a new defacto shop window providing a more active type of frontage where the use opens out to the street.

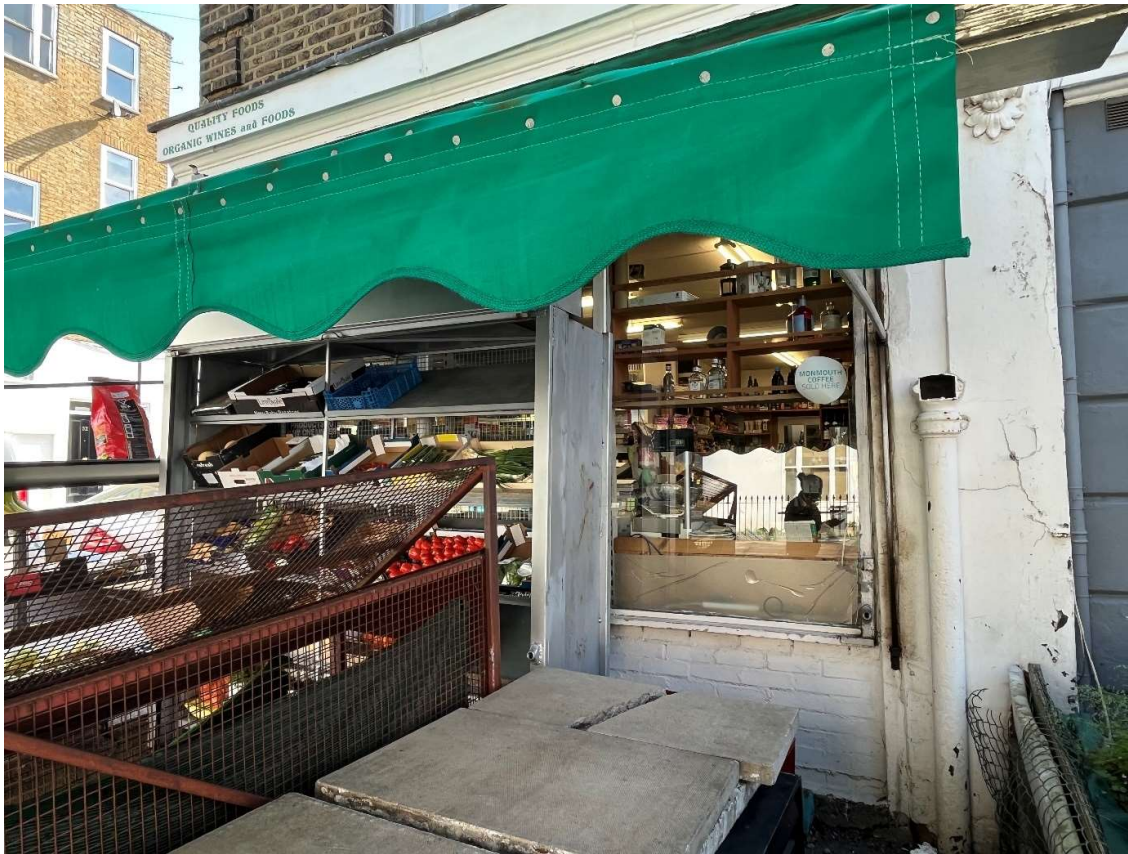




Figure 13 Photo showing internal shelving configuration leading to negligible visibility through 2/3 of the shop indicate there is very tore indicating of electric car charging point on Ospringe Road.



Figure 14 Photo of site set up with old open rack indicating visibility is only feasible via right hand window.



*Figure 15 Photo of site set up with new storage unit in place showing the amount of visibility has been maintained.*

**2.6. The before and after effect of the development can be seen in the two images below:**

The image tabled (snap shots from Google) do not necessarily provide a true reflection of the effect as one is taken when the shop is just setting up & the other when it is closed. Therefore, more representative photos are included here.

The “before” view (see Fig 16) shows the effect of the series of ad hoc display units spread across the forecourt. The red previous storage unit will remain on site until the appeal is determined and if unsuccessful would be reinstated. If successful this would be removed the stock on it and the red and black packing cases would move into the new storage unit freeing up the corner.

While the “after” view (see Fig 17) is still not a true reflection of the final set up as once the old open rack has removed the Appellant will be able better utilise the right-hand side of the new storage. Other stock seen in boxes on the left-hand side would be moved onto the top of the brick enclosure on the right-hand side which would then be accessible. This would allow that the clutter of stock on the ground to no longer be required and the area around the new storage unit and the street corner would be freed up positively contributing in creating high quality, active, safe and accessible places. This would balance the requirement for access with the interests of conservation and preservation achieving an accessible solution.





Figure 16 Photo of "before" set up



Figure 17 Photo of "after" set up



**2.7. The red storage unit shown in existing plans is illustrated to be removed as part of the proposal; however, it is still present at the site (having been moved to the other side of the forecourt) creating a cluttered frontage. This shows that the red unit is not 'fixed' and in fact a temporary structure that can be moved, so there is no precedent for a permanent structure in front of the window.**

The Appellant doesn't wish to enter into the semantics of a fixed or temporary structure but the unavoidable fact is both are static objects so a precedent for this exists. Both could be taken off site reasonably easily. The fixing of the new storage unit should be irrelevant as they are only required to ensure its stability.

The question that really should be asked is does the LPA wish to reinstate the old open rack which isn't in keeping with any of their policies or allow for its replacement with all the benefits noted within this SOC

**2.8. Opposite, the development, on the other side of the road junction, is the grade 2 listed building, The Pineapple public house. The new unit is visible from the front of the listed building; however, although the application site is physically close to the listed building, they don't have a relationship with each other, particularly due to the separation caused by the road junction, and therefore it is not considered that the proposed works have a detrimental impact on the setting of the listed building.**

Agreed. As can be seen in photo below



*Figure 18 Photo looking southwards down Leverton street with Leverton Stores on the left and the listed Pineapple pub on the right.*

**2.9. To conclude, the proposal does not meet policies D1 and D2 of the Camden Local Plan 2017 or Policy D3 of the Kentish Town Neighbourhood Plan. The new unit is of low quality and causes harm to the front of a key shop in the Kentish Town Conservation area. The application is therefore recommended for refusal on this basis.**

The Appellant has responded to all the specific policy clauses raised by LPA in the previous sections of this SOC.

### 3.3 Impact on Amenity Issues Response

**3.1. Policy A1 of the Camden Local Plan seeks to ensure that the amenity of communities, occupiers and neighbours is protected. The new unit reduces outlook from the shop which is contrary to the policy. Policy D3 shopfronts states that 'shop windows provide views into and from premises and can help bring activity and enhance feelings of security by providing natural surveillance.' The loss of outlook by the unit reduces natural surveillance which could harm the security of the area. An objector was concerned that the unit could create anti-social behaviour in the area.**

The Appellant is extremely disappointed that out of all the positive responses the LPA has chosen to highlight this issue. It already been proven in section 3.2 item in section 2.5 of SOP that amount of window that provides views into and out of the premises prior to the new storage unit is exactly the same to that previously.

This issue has been raised by a neighbour that the Appellant knows well and has what could called a vendetta against the Appellant having over the years raised complaints with the police, council and MP. In fact, one of the responses from the resident at Flat 2 48 Leverton Street mentions “a protracted campaign of nastiness by a neighbour above the shop”. Though that particular response cannot be seen within the related documents on-line one can only respond on the summary in the Delegated Report rather than what was precisely stated.

### 3.4 Viability Issues Response

#### **4.1. Policy CC4 of the Kentish Town Neighbourhood Plan protects 50 Leverton street as a valued community shop due to its proximity to a carehome.**

The Appellant is surprised having told the LPA that the application submitted was to protect his business that based on the above policy that any support towards the application was offered

In addition the Appellant took it upon himself to visit all the other shops listed as “of value” in Policy CC4 : Protection of Shops Outside the Centre. These are all similarly sized premises and a review was made of how they have been affected by storage issues and how they have managed these. From the result of this, what was clearly seen and heard is that though there are numerous policy documents in place extolling their value and protection in the real world these shops are under severe pressure to survive. The traditional corner shop that provided a living selling newspapers and sweets no longer exists. If the LPA is serious about protecting this resource it needs to adopt a more proactive and flexible approach to show they are seriously valued.



*Figure 19 - Susan's Mini Market 153 Leighton Road NW5 2RB: (now renamed as Amaya Corner) hasn't created any new storage and appears to ceased trading leaving, it is in a state of neglect.*





Figure 20 - Leighton Food Centre, 91 Leighton Road NW5 2QJ: Had to extend out onto shop forecourt with full openable enclosure.



Figure 21 - Falkland Store, 71 Falkland Road NW5 2XB: Was unoccupied for 2 years. LPA gave permission to be converted into a dwelling unit in February 2017 (2016/1562/P).



Figure 22 Saver's Mini Market, 121A Islip Street NW5 2DL: Had to extend out onto shop forecourt with full openable enclosure



Figure 23 - The Village Store, 62 Lawford Road NW5 2LN: Owner has considerably reduced stock held, lives above shop and has had to utilise space there to store goods.



**4.2. No information has been submitted that the lack of a storage unit would harm the viability of the shop and therefore the proposal does not support Policy CC4.**

Paragraph 1.7 of the submitted Design Statement (DS2000) clearly stated “Recently, development plans along the nearby Kentish Town Road & Fortess Road have led to a proliferation of small & mid-size convenience stores from multiples (such as Tesco Metro, Sainsbury’s Local, Co-Op, Lidl and Iceland) which provide walk-in convenience shopping of basic products. These have created a strain on Leverton Stores continuing as a profitable operation. To survive this challenge the applicant has had to utilise a considerable degree of flexibility, innovation and entrepreneurship to provide more niche products to satisfy its customers’ demands. The applicant’s knowledge, has developed an awareness of trends and their associated products which has become fundamental to meeting community demographics and customer demands”.

If further further information was required by LPA they should have requested this as is normal during any collaborative process by not contacting the Applicant and then raising it as an issue the LPA has prejudiced the application.

### 3.5 Summary and Conclusion Response

**5.1. It is considered that the storage unit causes harm to the conservation area and is contrary to Policies D1, D2, D3 and A1 of the Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016. The premises is a protected store in the Kentish Town Neighbourhood Plan 2016 as per policy CC4; however, there is no suggestion that the lack of storage unit would harm the viability of the shop.**

The Appellant feels that all these issues have already been responded when raised under the previous sections.

## 4 Further Appeal Considerations

### 4.1 Consultation Responses in Support:

The Bartholomew Estate and Kentish Town Conservation Area One is the kind of area where one would assume that people residing within would be pretty critical (possibly NIMBYs) with anything new to the public domain being scrutinised severely, particularly as the storage unit was in situ prior to the planning application. Yet 99.5% of responses were in support of the storage unit and most did not regard it as intrusive and many an improvement to what was previously there. The Appellant does not feel that the LPA in their decision-making process has given due regard to this.

### 4.2 Consultation Responses for Refusal:

The LPA’s Delegated Report noted:

*1 objection was received from neighbouring property no 50b Leverton, in regards to the:*

- *Impact on the character of the conservation area and adjacent listed building*
- *Inaccurate drawings*
- *Reduced outlook increasing antisocial behaviour*

. The Appellant would respond to the points summarised in the LPA’s Delegated Report as follows:

- Item 2.8 the LPA’s Delegated Report states “it is not considered that the proposed works have a detrimental impact on the setting of the listed building”.
- All drawings are accurate.
- There is no reduced outlook as the amount of visible window remains the same (see sect3.2 item 2.5 of SOC for further detail).

The Appellant does feel that the LPA in their decision-making process has over exaggerated this issue and not fully investigated its validity for inclusion.

### 4.3 Other Relevant Policies

The Appellant requests that aspects of these policies also be taken into account when assessing this appeal.

#### Camden Local Plan 2017- 4 Community, Health and Wellbeing

##### **Policy C1 Health and wellbeing**

*The Council will improve and promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health, social and cultural wellbeing and reduce inequalities.*

*Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development where appropriate.*

*The Council will require: development to positively contribute to creating high quality, active, safe and accessible places;*

As can be seen from the support for the planning application from the community Leverton Stores is not just a retail unit but is seen as a vital part of the local community acting as a social hub, keeping customers, up to date with neighborly news as well and keeping a particular eye out for vulnerable customers especially those residing in the adjacent care home (Ash Court). The Appellant's aspiration for Leverton Stores coupled with his attitude and actions are exactly what this policy aspires to. By allowing the proposed storage unit this can only be seen as an improvement. The Appellant recognises Health & Wellbeing are just as important as good design in the creation of a thriving community.

One of the responses also remarked about the unstinting service the Appellant provided during the recent Covid Pandemic. In fact, during this period the Appellant provided home deliveries to residents

The Appellant does not feel that the LPA in their decision-making process has given due regard to this.

#### Camden Local Plan 2017- 9 Town Centres and Shops

##### **Policy TC5 Small and independent shops**

*The Council will promote the provision of small shop premises suitable for small and independent businesses.*

*We will: encourage the occupation of shops by independent businesses and the provision of affordable premises.*

As has already been explained earlier in this document though the Local Plan promotes independent businesses, reality shows a different picture. Leverton Stores should be recognised as the sole surviving community shop within the Bartholomew Estate and Kentish Town Conservation Area

The Appellant does not feel that the LPA in their decision-making process has given due regard to this.

#### Camden Local Plan 2017-10 Transport Infrastructure

*10.25 The movement of goods and materials by road can have a significant impact on the environment and the health and wellbeing of residents, in terms of noise disturbance and its contribution to road congestion and air pollution. These impacts are particularly severe in an urban, densely populated borough such as Camden.*

*10.26 As Camden grows, demand for freight is also likely to increase. The number of vans in Central London, for example, is forecast to grow by 30 per cent between 2008 and 2031.*

*10.27 The flexibility that road freight offers means that this will remain the most commonly used means of transporting freight for some time. The Council will however seek to promote more sustainable means of freight transport and seek to minimise the movement of goods and materials by road.*

Changing requirements especially concerning food security during emergencies needs to be considered. If shops have insufficient space to hold items in reserve more external deliveries will be required,



## **Policy T4 Sustainable movement of goods and materials**

*The Council will promote the sustainable movement of goods and materials and seek to minimise the movement of goods and materials by road.*

As a sole trader all stock traded from Leverton Stores needs to be collected from various wholesalers and outlets. The Appellant estimates on average 8 visits a week are required. Since the new storage unit has been in place this has already reduced by 20% and this could further decrease once fully utilised.

## **Camden Local Plan 2017- 11. Delivery And Monitoring**

### **Policy DM1 Delivery and Monitoring**

#### **Flexible implementation of the Local Plan**

*11.42 The Local Plan needs to be flexible enough to ensure that the Council's vision and objectives for Camden can be delivered in future years despite changing circumstances. This is particularly important with regards to delivering our approach to Camden's growth and meeting the borough's needs for homes, jobs, services and infrastructure.*

*11.43 There is a need for sensitive and flexible implementation. However, while our plans must be suitably flexible, it is vital that the level of flexibility does not create uncertainty or harm the overall delivery of the Local Plan. This Local Plan has therefore been prepared to be flexible enough to cope with a changing world, while ensuring our vision and objectives for the borough are delivered.*

*11.44 Sometimes the Local Plan's implementation will rely upon appropriate alternative or amended approaches to deal with emerging issues and changing circumstances.*

The Appellant has suggested that the LPA exert some flexibility in their advice and decision-making process but does not feel that the LPA has given due regard to this.

## **5 Appeal Conclusion**

The Appellant accepts the role of the LPA in protecting the Bartholomew Estate and Kentish Town Conservation Area but feels that their assessment of the application for a new storage unit has been treated as purely a subjective design exercise rather than taking a holistic view encompassing all the aspects noted in this SOC. It has become clear that the LPA was not in favour of any application for a new storage unit but has ignored that a far worse open (red coloured) rack has been sited on the concrete forecourt outside Leverton Stores since 1986 so the precedence for some of storage unit has been established. The LPA states that the new storage is not fixed and therefore a temporary structure but in reality, it is a static unmovable object that hasn't been moved until recently. The LPA is classing the new storage unit as a fixed structure but the only reason it is bolted to the ground is that otherwise it would be unstable and harmful to customers. Once unbolted it is no more difficult to move than the old rack.

The Appellant has informed the LPA that need for additional storage space is critical to his business survival as can be seen that all similar shops in the area have either expanded their shop floor or have closed down. By allowing within a five-minute walk of Leverton Stores six far larger national supermarket chain stores the operating model for sole trader independent shops has had to constantly change. The customers need for various speciality item places considerable strain on space. The LPA should further investigate this issue and properly recognise this need if they wish to meet the aspiration in the CLP policies to "promote the provision of small shop premises suitable for small and independent businesses". The LPA has inferred that the application is to improve the functionality of shop and does not provide public benefits. The Appellant would refer the LPA to feedback from the shop's customers and evidence of the number of small shops increasing their floor space or closing. Recognising the importance of Leverton Stores to the community the Appellant did request the LPA consider any application be treated as a 'one-off' or 'exceptional circumstance' but once again this was rejected.

The proposal represents an appropriate design and scale of development that would not harm the significance of the Bartholomew Estate and Kentish Town Conservation Area as a whole. It would therefore preserve its character, according with Policies D1 and D2 of the Camden Local Plan which seek amongst other things to secure high quality development that preserves or where possible, enhances the historic environment that contributes to the character and appearance of the Bartholomew Estate and Kentish Town Conservation Area. It would further accord with Policy D3 of the Kentish Town Neighbourhood Plan (2016) which seeks amongst other things, to ensure that proposals draw upon key aspects of character or design cues from the surrounding area.

The Leverton Street streetscape consists of a terrace of 3 storey residential units with a single storey bay window central to each unit. In designing the new storage unit this undulating form was carefully considered. The front face aligns with the front face of the bays. While the front edge corner of both is equidistant either side of the party wall line between Leverton Stores and No 48. The materials selected are to match the existing roller shutter as the storage unit would be seen against this background being most visible when the shop is not open. The storage unit stands clear of the host building so as not to damage or affect the original features. If trading requirements change and the additional display space is no longer required it could be easily removed. Its presence within the existing streetscape would amount to a small incursion, such that the overall vista along Leverton Street and the character of the Bartholomew Estate and Kentish Town Conservation Area, would not be undermined.

The volume of the new storage unit is only 14% larger than the old rack. While its display capacity is 3.5 times that of the old rack. Meaning most of the miscellaneous cases would no longer be required and that the corner and forecourt would be opened up while providing a far safer access to goods. The new storage unit when open would act as a "new display window" for the shop as goods have never really been visible through the glazed elements of the façade. The suggested dominance of the proposed storage unit has been overstated. The proposed unit would be considerably obscured during the day while the shop is open. While after hours when the shop is shut the storage unit would simply blend with the shop's existing roller shutter. The Appellant does feel from the LPA's Delegated Report that they did not necessarily consider any of these benefits.

To sum up the current situation we have hit an impasse with on one side there is support from the local MP (see Appendix 1 attached separately) the local area Councillors (See Appendix 2 attached separately) and the majority of the local community (see Appendix 3 attached separately) while the only opposition critically has come from LPA.

The Appellant would appeal that planning balance has not been appropriately applied in favour of granting permission for the storage unit. The application accords and is compliant with National Planning Policy Framework (NPPF) and the relevant policies contained within the Camden Local Plan and Kentish Town Neighbourhood Plan. For the reasons noted in this statement the Inspector is respectfully requested to allow the appeal and to grant planning permission.

21 May 2023