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Dear Sir/Madam,

Town and Country Planning Act 1990
Appeals by Mr Mahmad Dilloo
Site Address: Leverton Stores, 50 Leverton Street, NW5 2PG

I write in connection with the above appeal against the refusal of planning permission dated 5th January 2023 (Ref. 2022/3654/P) for :***External storage unit for Leverton Stores located on retail forecourt. (Retrospective)***

1.0 Background

This appeal is against refusal of planning permission to retain a storage unit installed on the pavement in front of Leverton Stores abutting the shop front. The storage unit is unacceptable in terms of design, including visual clutter and impact on the Victorian frontage and conservation area. The reasons for refusal for are detailed further in the statement.

The Council's case

1.1 The Council's case is set out in detail in the Officer's 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. 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 Details of site and storage unit.

2.1 The site comprises a shop within a uniform Victorian terrace. It is in a prominent corner location within the conservation area. It is identified as making a positive contribution to the conservation area. It is also located opposite The Pineapple public house which is listed grade II.

2.2 The proposal is to retain the unauthorised storage unit which is installed directly in front of the shop window, obscuring the frontage. It measures 2.2m high, 2.1m wide and 0.5m

deep. It is grey metal with a roller shutter. It is supposed to replace an existing smaller unit measuring 1.5m high, 1.8m wide and 0.75m deep. This unit is still in place. It is a moveable unit that does not require planning permission.



The above image 1a shows the proposed grey metal storage unit with shutter closed. It also shows the existing moveable storage unit that it was intended to replace.



The above image 1b shows the storage unit with the roller shutter open.

Refusal of planning permission

2.3 Planning permission was refused on 5th January 2023 (a copy of the decision notice was sent with the questionnaire and is attached at Appendix B) for the following reason:

The storage unit, by reason of its design, size and and siting, causes undue harm to the character and appearance of the shopfront at 50 Leverton Street and the Bartholomew Estate and Kentish Town Conservation Area, contrary to the aims of Policies D1, D2 and D3 of the Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016.

3 Status of Policies and Guidance

3.1 In determining the above-mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

3.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017. The relevant Local Plan policies as they relate to the reasons for refusal are:

- A1 Managing the impact of development
- D1 Design

- D2 Heritage
- D3 Shopfronts

3.3 The Council also refers to the following supporting guidance documents:

- CPG Design 2021- chapters 2 (Design excellence)
- CPG Amenity (2021)

3.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

- National Planning Policy Framework (2021)
- London Plan (2021)
- Kentish Town Neighbourhood Plan (2016)
 - D3 Design
 - CC4 Protection of shops
- Kentish Town Conservation Area Management Strategy 2000

3.5 Camden's Local Plan 2017 is in accordance with the NPPF and the London Plan in relation to this appeal.

4 Comments on the Appellant's Grounds of Appeal

4.1 The essence of appellant's grounds of appeal are summarised by the following 7 extracts from their statement, copied in bold text, and addressed beneath as follows:

1. **'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 position rather than an opportunity to safe guard 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.'**

Response to ground of appeal 1

4.2 The Council's and national policies require the highest design standards for the public realm as set out below. The council disagrees with the above grounds of appeal accordingly.

4.3 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

4.4 The metal unit is oversized and of poor quality. The design is not of merit and detracts from the historic shopfront. The unit obscures the frontage and this is exacerbated further when

roller shutter is closed. Other design options could've been considered. There are no other metal units in front of houses or shops in the area.

- 4.5 While the unit may help with organising the shop, the forecourt is still cluttered harming the character of the conservation area and streetscape.

2. 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'.

Response to ground of appeal 2

- 6.6 Policy D3 of the Camden Local Plan 2017 encourages natural eyes on the street and visibility for shopfronts. 50 Leverton Stores is a protected shop within the Kentish Town Neighbourhood Plan 2016. This adds weight to the functionality of the shop now and in the future.
- 6.7 The unit is a permanent fixture to the pavement outside the shop. Therefore, the visibility in and out of the window is permanently impacted. The existing unit is however temporary and movable. Policy D3 protects visibility, and the installed storage container blocks any potential visibility of the window. The internal shop configuration is not a planning matter, however, the permanent reduction in visibility through the window should be resisted.
- 6.8 The image below displays the internal shop layout with open shelving in front of the window. There is no planning control over internal arrangement, but the shelving can be moved to reveal the window more clearly. The image also displays how the storage unit blocks sunlight and visibility into the shop.



Image 2 – Internal

3. **'The image tabled (snap shots from Google) (before and after) 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.**

Response to ground of appeal 3

- 7.1 Images were selected to show the installed development. They demonstrate that the new storage unit adds clutter to the street scape.
- 7.2 Images 3 and 4 show the previous unit and the new unit. Both add clutter to the streetscape. Both are harmful to the conservation area and are against Camden (D1 and D2) and Kentish Town design (D3) policies. The unauthorised storage unit would be permanent and unmoveable.



Image 3 – pre - existing forecourt configuration



Image 4 Present layout of forecourt with storage unit.

4. 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

Response to ground of appeal 4

- 8.1** The old rack does not constitute as development as it is not a fixed structure and can be removed at any point. The new unit is fixed to the floor and is of a large scale, it constitutes development.
- 8.2** It is noted that the pre existing unit was lower to the ground which did not block the window.
- 8.3** This is a protected shop front with The Kentish Town Neighbourhood Plan, CC4. This is a valued shop close to a care home and the council would seek to ensure that the shop is maintained. It has not been demonstrated that the storage unit is required to ensure the viability of the shop. Policy CC4 seeks to protect net floorspace of the shop: this application does not increase the net floorspace and the removal of the unit will not decrease the net floorspace
- 5. 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.**

Response to ground of appeal 5

- 9.** All responses have been taken into account when determining the case. If an objection has been raised to a development the council must assess it. However, the council cannot not enter into civil disputes.
- 6. 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**

Response to ground of appeal 6

- 10.1** The council is open to assess other options from the applicant. As the unit was already installed however, it is difficult to be flexible.
- 10.2** The unit installed does not comply with the Council's policy, obscuring the frontage and cluttering.
- 10.3** The applicant may engage with the council to discuss possible alternatives. The preapplication process is open to assess possible options.

7. 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 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.

Response to ground of appeal 7

- 11.1 The LPA argues that there would be no difference in viability between use of the existing rack and the new rack. The applicant was able to display goods outside prior to the installation of the unit and will continue to do so after. The LPA is not objecting to the use of the forecourt but the scale of the storage unit installed.
- 11.2 Policy CC4 of the Neighbourhood Plan 2016 seeks to protect net floorspace of Leverton Stores. This storage unit does not increase floorspace as the forecourt was already in use. The viability of the shop is not compromised by the removal of this unit.

12 Conclusion

- 12.1 Having regard to the entirety of the Council’s submissions, including the content of this statement and attached appendices (listed below for ease of reference), the Inspector is respectfully requested to dismiss the appeal.

Suggested Conditions should the appeal be allowed

It is not considered that any conditions would mitigate the negative impact of the development.

Yours sincerely,

Jennifer Dawson

Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

List of Appendices

Appendix A: Officers Report (ref. 2022/3654/P) – planning permission refused

Appendix B: Decision notice (ref. 2022/3654/P) – planning permission refused dated 05/01/2023