

Delegated Report		Analysis sheet		Expiry Date: 11/10/2023	
		N/A		Consultation Expiry Date: 02/10/2023	
Officer			Application Number(s)		
Daren Zuk			2023/3367/P		
Application Address			Drawing Numbers		
2 Quex Road London NW6 4HY			<i>See decision notice</i>		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Removal of existing shopfront. Installation of replacement metal security shutters. (Retrospective)					
Recommendation(s):		<p>Refuse Planning Permission and 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 reinstatement of a shopfront to match the shopfront previously in place and to pursue any legal action necessary to secure compliance and officers be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power.</p>			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
		No. of responses	00	No. of objections	00
Neighbour Consultation		Site Notice: posted 08/09/2023, expired 02/10/2023 <i>No responses received.</i>			
Kilburn Neighbourhood Forum		<i>No response received.</i>			
Site Description					
The application relates to the ground-floor commercial unit of a two-storey commercial building located on the south side of Quex Road, to the east of the junction with Kilburn High Road. The area is					

characterised by primarily commercial uses along Kilburn High Road and on Quex Road at the junction with Kilburn High Road. Quex Road quickly transitions into residential to the east of the subject site.

The subject site is not located within a conservation area, nor is it statutorily or locally listed. It is located within the Kilburn Town Centre and identified as being part of a Local Plan Frontage.

The existing shopfront which comprised of a glazed shopfront window, tiled stall riser, and recessed doorway, was removed without planning permission sometime in the last 12 months. The current application was submitted initially with the understanding from officers that the works had not been completed; however, a site visit on 10/10/2023 confirmed that the works were completed without planning permission.

In addition, the existing signage (fascia and box sign) was replaced without advertisement consent. An application (2023/3723/A) was submitted separate to the current application and is currently under consideration.



Fig 1. Previous shopfront (left) dated June 2022 and current shopfront (right) dated October 2023

Relevant History

2023/3723/A – Installation of replacement fascia sign. **To be determined**

Relevant Policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D3 Shopfronts

Camden Planning Guidance (CPG)

CPG Amenity (2021)

- Chapter 2 – Design Excellence
- Chapter 6 – Shopfronts

Assessment

1. Proposal

1.1. Planning permission is sought for the removal of the existing shopfront, which includes a glazed shopfront window, stall riser, and entrance door. No replacement shopfront is proposed, as the intention is for the shop to be open to the street during operating hours. A replacement metal shutter is also proposed, which would provide security for the commercial premises while not in operation.

2. Planning Considerations

2.1. The material considerations in the determination of this application are as follows:

- Design
- Amenity

3. Design

3.1. Local Plan policies D1 (design) and D3 (shopfronts) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Policy D3 states that alterations to shopfronts should consider the existing character, architectural, and historic merit and design of the building and its shopfront.

3.2. The removal of the existing shopfront without a suitable replacement creates a negative impact on the appearance and character of the building and the wider setting of the commercial area. Currently, there is an established pattern of shopfronts along Kilburn High Road and this small section of Quex Road, and this repetitious design contributes to the character and appearance of the Kilburn Town Centre and wider commercial area. Disrupting this pattern by removing the existing shopfront and leaving it fully open during operating hours is uncharacteristic and would appear incongruous to the host building and wider commercial area. Further, policy D3 clearly states that folding or opening shopfronts are not generally acceptable, as they can create a void at ground level that can harm the appearance of a building and wider area.

3.3. The existing metal security shutter was replaced with one matching in style and materiality. Typically, the Council would resist the installation of metal security shutters as they can have a negative effect on the character and appearance of the streetscene; however, as the proposed shutters are a replacement of what is existing, they are considered acceptable in this instance.

3.4. Overall, the removal of the existing shopfront without a suitable replacement is considered to have a negative impact on the appearance and character of the shopfront and wider streetscene, therefore considered unacceptable in terms of design and contrary to policies D1 and D3 of the Camden Local Plan 2017.

4. Amenity

4.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans.

4.2. The removal of the existing shopfront is not considered to create any adverse impacts on

neighbouring residential occupiers with regards to a loss of daylight/sunlight, privacy, or outlook. Therefore, the proposal complies with policy A1 of the Camden Local Plan 2017 and CPG Amenity.

5. Recommendation

5.1. Refuse planning permission and take enforcement action through the issuing of an Enforcement Notice, for the following reasons:

- The removal of the existing shopfront without a suitable replacement results in an incongruous alteration, harming the character and appearance of the host building and the wider commercial streetscene contrary to policies D1 and D3 the Camden Local Plan 2017.

6. Enforcement Action

6.1. That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring, to reinstate the previous shopfront, 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 breach of planning control:

Removal of the shopfront without planning permission.

What are you required to do:

1. Reinstatement of a shopfront to replicate the design, materials and proportions of the previous shopfront (as shown in appendix A)
2. Make good any damage caused as a result of the above works.

Period of Compliance:

6 Months

Reasons why the Council consider it expedient to issue the notice:

- The removal of the existing shopfront without a suitable replacement results in an incongruous alteration, harming the character and appearance of the host building and the wider commercial streetscene contrary to policies D1 and D3 the Camden Local Plan 2017.