

Delegated Report		Analysis sheet		Expiry Date:	21/02/2023
		N/A		Consultation Expiry Date:	19/02/2023
Officer			Application Number(s)		
Kristina Smith			2022/1311/P		
Application Address			Drawing Numbers		
6-8 Broadwell Parade Broadhurst Gardens London NW6 3BQ			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of structure to provide covered seating in front of existing forecourt					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	01	No. of objections	01
	Press notice advertised from 26/01/2023 to 19/02/2023 Site notice displayed from 20/01/2023 to 13/02/2023			
Summary of consultation responses:	<p>An objection was received from a resident of Compayne Gardens on the following grounds:</p> <ul style="list-style-type: none"> • Proposal does not enhance or preserve the conservation area; • Design is anachronistic as Broadwell Parade is not Victorian. Use of policy carbonate roofing is inappropriate to the area; • The reasons for refusal relating to application ref. 2019/6042/P are relevant. 			
CAAC/Local groups* comments: *Please Specify	<p>The Combined Residents Associations of South Hampstead (CRASH) objected to the proposals as follows:</p> <ul style="list-style-type: none"> • CRASH considers the proposal as dangerous – hanging plants will obstruct the views of oncoming traffic for those crossing the road. • Host building is not Victorian and so the introduction of a Victorian style structure to an inter-war building is anachronistic and incongruous • Lack of details shown regarding the roof or how it will be drained • Current café is already awash with multi-coloured flashing lighting and the applicant proposed more. Light pollution and energy conservation issues. 			

Site Description

The application site is a single storey unit (known locally as 'Pisu Café') located within a parade of 8 units with a variety of uses, including retail and storage uses, known as Broadwell Parade. The parade is located on the south side of Broadhurst Gardens within a designated local Town Centre (West Hampstead).

The restaurant has two outdoor seating areas, one directly outside on the forecourt and another on the other side of the pavement which is part of a 'streatery', an outdoor seating area introduced during the Covid pandemic as a way to facilitate social distancing. It was made permanent in December 2022. The application involves development on the 'streatery' which is Council-owned land.

The building and parade are not listed and are located within the South Hampstead Conservation Area and the Fortune Green & West Hampstead Neighbourhood Area.

Relevant History

8601031 - Outline application for the erection of two additional floors over the existing single-storey shops to be used for residential purposes (four self-contained flats) including the change of use of a retail unit to provide residential access. Outline permission refused dated 31/07/1986.

9301603 Continued use of units 2 and 6 for storage and staff facilities in association with the use of unit 7 for retail purposes and unit 8 for office purposes. Planning permission granted dated 17/02/1994.

8905064 (unit 6/7) - Change of use from shop to minicab office and erection radio aerial on the roof. Planning permission refused dated 21/06/1989.

2019/6042/P - Installation of timber balustrade and posts in front of existing forecourt (retrospective) Refused with warning of enforcement action 21/04/2020 on the following ground:

- *The balustrade and posts, by reason of their design, size, material and location, introduce an incongruous and widely visible addition which fails to respect the architectural integrity and distinctiveness of the host building and parade as a whole, adding to the visual cluttering of the public realm, and detracting from the character and appearance of the South Hampstead Conservation Area and Fortune Green and West Hampstead Neighbourhood Area, contrary to policies D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017, and policies 2 (design and character), 3 (Safeguarding and enhancing conservation areas and heritage assets) and 13 (West Hampstead Town Centre) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*

The applicant was required to totally remove the balustrades and posts and make good any damage within 3 months of the notice being served.

EN19/0016 - Enclosure erected outside the three most westerly units of Broadwell Parade with possible use as outside seating area. Complaint made by local resident and the subject of this current application.

Relevant policies

National Planning Policy Framework 2023

The London Plan March 2021

Camden Local Plan 2017

A1 - Managing the impact of development

D1 - Design

D2 - Heritage

D3 - Shopfronts

TC4 - Town centre uses

TC5 - Small and independent shops

Camden Planning Guidance (2021)

CPG Design

CPG Amenity

CPG Town centres and retail

Fortune Green and West Hampstead Neighbourhood Plan (adopted September 2015)

Policy 2 (Design and character)

Policy 3 (Safeguarding and enhancing conservation areas and heritage assets)

Policy 13 (West Hampstead Town Centre)

South Hampstead Conservation Area character appraisal and management strategy (adopted February 2011)

Assessment

1. Proposal

1.1 The proposal is for a structure with open sides and a polycarbonate roof supported on metal columns to facilitate the creation of a covered seating area. The area is a designated 'streatory' introduced in response to the Covid pandemic as a way of providing temporary outdoor seating areas for eating and drinking establishments. As such, there are already tables and chairs in this location. The area of land is Council-owned and formerly used as on-street car parking. It is noted that given the 'streatory' was made permanent in December 2022, there is no 'in principle' objection to the proposal from the Council as Highway Authority.

Procedural matters

1.2 It is noted that the site location plan submitted with the application is incorrect and the red line follows the boundary of the site rather than extending to the area of the proposed works which is Highways land. The existing and proposed plans adequately indicate the area of intended development and so an accurate assessment has been possible. Officers have requested a revised site location plan, but this has not been received. Were the decision to be appealed, there would be opportunity to correct at this stage.

2. Assessment

2.1 The principal considerations material to the determination of this application are:

- a) the design and impact of the proposal on the character and appearance of the host building, wider parade and streetscene, and the South Hampstead Conservation Area; and
- b) the impact of the proposal on neighbouring amenity.

3. Design and conservation

3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. It advises that "*Good design takes account of its surroundings and preserves what is distinctive and valued about the local area*" and expects all development to specifically consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- the suitability of the proposed design to its intended use;
- inclusive design and accessibility;
- its contribution to public realm and its impact on views and vistas; and
- the wider historic environment and buildings, spaces and features of local historic value.

3.2 Similarly, policy 2 (Design & character) of the Fortune Green and West Hampstead Neighbourhood Plan supports "*development which positively interfaces with the street and streetscape in which it is located and which maintains the positive contributions to character of existing buildings and structures*".

3.3 Local Plan Policy D2 (Heritage) confirms that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

3.4 More specifically, chapter 5 of Camden Planning Guidance (Design) states that alterations to non-residential buildings should always take into account the character and design of the

property and its surroundings. This includes the use of appropriate materials to ensure compatibility with the host building or surrounding development. Materials should be high quality and not detract from the existing qualities of the area.

- 3.5 The structure, which has a maximum height of 2.35m sloping down to 2m, is considered to be unsuitable in this highly prominent location as it appears completely incongruous both in terms of its massing on this otherwise undeveloped stretch of Highways land, and its design which is a Victorian style aesthetic. The structure has an incongruous appearance when considering the parade as a whole and the absence of any similar type of permanent enclosure. The single storey inter-war parade with its consistent frontage is read as a single, uniform row of commercial units. The addition of a new structure, of a comparable height to the parade itself, dominates the space and introduces a visually cluttered appearance. In design terms, the aesthetic appears incongruous as the parade is a rather modest and pared back art deco building. The structure on the other hand would comprise ornate metal poles with decorative finials at their base and on the roof supports. The design feels inconsistent and at odds with itself, the decorative metalwork clashing with the polycarbonate roofing; as well as being at odds with the local high street character.
- 3.6 As such, the proposal is considered to detract from the local distinctiveness of the parade, and be harmful to the character and appearance of the host building, wider parade and street scene, as well as the South Hampstead Conservation Area and Fortune Green & West Hampstead Neighbourhood Areas in which the site is located.
- 3.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the South Hampstead Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Amenity

- 4.1 Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents. This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered and seeks for developments to be "*designed to protect the privacy of both new and existing dwellings to a reasonable degree.*"
- 4.2 The proposed structure does not result in any material change to the use of the 'streatery' as a customer seating area, and as such, does not introduce any additional harm to neighbouring amenity in terms of loss of privacy, increased noise, disturbance or sense of enclosure. The proposed lighting would not be so close to neighbouring windows to cause unacceptable light pollution. As such, the proposal accords with policy A1 and with Camden Planning Guidance in amenity terms.
- 4.3 There is no detail shown on the plans as to how the proposed lighting would be provided with electricity. Should this be via cables over the footway then this would not be supported for reasons of pedestrian safety. Even when cable covers/ ramps are employed, it could represent a trip hazard and obstruct wheelchair users.

5. Recommendation

5.1 It is recommended that planning permission be refused on the following grounds:

- The proposed structure, by reason of its scale, design and location, introduces an incongruous and highly prominent addition which fails to respect the character and distinctiveness of the host building and parade as a whole, adding to the visual cluttering of the public realm, and detracting from the character and appearance of the South Hampstead Conservation Area and Fortune Green and West Hampstead Neighbourhood Area, contrary

to policies D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017, and policies 2 (design and character), 3 (Safeguarding and enhancing conservation areas and heritage assets) and 13 (West Hampstead Town Centre) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.