



Appeal Decision

Site visit made on 16 January 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.02.2024

Appeal Ref: APP/X5210/W/23/3322538

50 Leverton Street, Camden, London NW5 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mahmad Dilloo against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/3654/P, dated 25 August 2022, was refused by notice dated 5 January 2023.
 - The development proposed is a new replacement external storage unit for Leverton Stores located on retail forecourt.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. At the time of my site visit the storage unit subject of this appeal was in place to the front of the store and this was in accordance with the submitted plans. I have proceeded with this appeal accordingly.

Main Issue

4. Whether the development preserves or enhances the character or appearance of the Kentish Town Conservation Area (the KTCA).

Reasons

5. This appeal concerns a retail store located at the end of a row of terraced properties within a predominantly residential area. The store retains its historic corner shop features, namely the large display window fronting Leverton Street and the traditional proportions of the shopfront.
6. The appeal site falls within the KTCA whose significance appears to be derived from its former village settlement characteristics. This part of the KTCA is predominantly characterised by narrow residential terraces, many with original detailing and decoration including stucco-faced ground floors and bay windows. The appeal building makes a positive contribution to the CA.

7. During opening hours, I appreciate that a range of paraphernalia which displays goods for sale are placed on the forecourt of the appeal store. This, along with an open canopy, creates a vibrant display which is typical of many local shops and a view which one would expect when the store is open. It does not represent clutter for which a solution may be required.
8. I agree that the storage unit for which permission is sought is somewhat obscured among the other features when the store is open. However, it remains that the storage unit is tall in height and dominates the front window of the store. It is of steel construction and has a roller shutter. All of these factors cause it to be an obtrusive feature which detracts from the traditional characteristics of the shopfront. I am not convinced that introduction of signage to the unit would improve its appearance to such a degree that would overcome these concerns.
9. I observed that, even if the shelves are full, the internal arrangement of goods just inside the shop window does not wholly prevent views into the store from the street. Rather, it appears as a traditional store in which a range of products are evident. It is a pleasing view to see the goods for sale and a nod towards the store's traditional arrangement. To the contrary, the storage unit significantly blocks views through the window due to its size and positioning. The mesh cladding to the rear of the unit does not overcome this.
10. Further, the storage unit would remain on the forecourt when the store is closed. In this instance, it would be readily apparent and would add considerable clutter to the front of the store, thus detracting from the traditional and uniform appearance of the street scene. It would fail to integrate with or reflect the form of the host terrace, namely the bay windows of adjacent properties. The storage unit would fail to blend in with the existing shopfront shutters when closed, given its forward siting and dominant presence.
11. The previous storage unit is smaller and less dominant to the appeal site, and it is less prominent in the wider street scene. It allows more of the shop window to be seen, and thus greater views into the store, unlike the appeal development. Whilst it would be removed should this appeal succeed, it remains that the appeal storage unit would detract from the character of the area.
12. I note the various other features in the locality, including refuse bins, cycle and scooter storage and electric vehicle charging points. However, these are everyday features and typical paraphernalia which are expected in an urban environment, including conservation areas. My attention has not been drawn to a particular example which harms the street scene in a similar way to the appeal development.
13. Accordingly, the appeal development fails to preserve the character and appearance of the KTCA. Given the scale of the development, the level of harm it causes to the KTCA is less than substantial. Nevertheless, paragraph 205 of the Framework is clear that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal. The appellant indicates that the storage unit

would reduce trips to wholesalers as more goods could be stored on site. This would result in a reduction of car trips and thus emissions, therefore this is a benefit of the development.

15. I acknowledge that the store serves the local community and the numerous letters of support which have been received serve to indicate the importance local residents place on the day to day offering and services which the store provides. Indeed, Policy CC4 of the Kentish Town Neighbourhood Forum, Neighbourhood Plan (September 2016) (the KTNP) seeks to protect the net floorspace of the store, noting that it is within close proximity to a nursing home and thus it provides a vital service for those who may be less mobile, as well as the wider community. My attention has also been drawn to Policies C1 and TC5 of the Camden Local Plan 2017 (the CLP) which concern health and wellbeing and small, independent shops, respectively.
16. Whilst it is intimated that the store promotes a strong, vibrant and healthy community and that the Council should encourage its provision, there is a distinct lack of evidence that it would cease to trade should this appeal fail. The appeal development does not reduce floorspace within the store and, although I appreciate that its internal space may be limited, it has not been convincingly demonstrated to me that the appeal storage unit is necessary to secure the stores long term survival or that there is no other way in which goods could be stored and/or displayed. All in all, I afford this matter limited weight.
17. The reasons for other local stores closing or expanding are not before me thus I cannot be certain that they are directly comparable to this case.
18. Given the small scale of the development and the level of benefits it generates, I collectively afford the public benefits of the development limited weight. Therefore, the harm to the KTCA that I have identified is not outweighed.
19. Taking all of the above into consideration, the development fails to preserve the character and appearance of the KTCA. It therefore conflicts with Policies D1, D2 and D3 of the CLP and Policy D3 of the KTNP which together aim for high quality design in developments which preserve the historic environment.

Other Matters

20. Concerns regarding the Council's handling of the planning application are not matters for me within the context of this appeal.
21. Policies T4 and DM1 of the CLP have been referred to by the appellant however they are not directly relevant to the appeal proposal.

Conclusion

22. The development conflicts with the development plan as a whole and there are no other considerations, including the approach in the Framework, which indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR