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## Appeal Decision

Site visit made on 19 February 2019

**by J Whitfield BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 February 2019**

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### **Appeal Ref: APP/X5210/C/18/3204568 80 Cleveland Street, London W1T 6NE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Ms Nicole Riedweg against an enforcement notice issued by the Council of the London Borough of Camden.
  - The enforcement notice was issued on 30 April 2018.
  - The breach of planning control as alleged in the notice is, without planning permission: unauthorised shopfront consisting of bi-folding doors.
  - The requirements of the notice are:
    1. Reinstate the original layout, design and appearance of the original shopfront following the removal of the existing unauthorised bi-folding doors.
    2. Make good any damage caused as a result of the above works.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### **Decision**

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **The appeal on ground (a) and the deemed application**

#### *Main Issues*

2. The main issue is whether the development preserves or enhances the character or appearance of the Fitzroy Square Conservation Area.

#### *Reasons*

3. The property lies within the Fitzroy Square Conservation Area (the FSCA) the significance of which derives largely from its streetscape of tall, Georgian terraces. This part of Cleveland Street is characterised by such terraces, with a continuous pattern of commercial units fronting the street at ground floor level.
4. I saw from my site visit that there are several examples of traditional shop fronts in the area, many of which have been maintained largely intact. Shopfronts in the FSCA exhibit many traditional features including stall risers with decorative pilasters, mullions and transoms on windows and fan lights above doors. Panels on doors generally align with the stall risers, whilst the top of the doors generally align with the transoms. As such, where they are

preserved in their original form, they are an important element of the significance of the FSCA.

5. Photographs show the previous shop front at 80 Cleveland Street comprised a central recessed door between two large, single pane windows. The windows were set above a stall riser with the panel on the door sitting at the same level. Its balanced proportions and traditional detailing would have made a positive contribution to the significance of the FSCA.
6. I note that there is some variety in shop front designs in the area and that the colouring of the shop front matches that of the neighbouring property No 78. Nevertheless, the development has resulted in a shop front which is distinctly contemporary in appearance. A central door in a dark grey aluminium frame is adjoined either side by large, glazed bi-folding doors. Whilst in itself the design of the shop front is not unduly incongruous or obtrusive, it does appear in stark contrast to the traditional shop front which preceded it and, indeed, at odds to the traditional shop fronts that make a positive contribution to the significance of the FSCA.
7. Indeed, the Fitzroy Square Conservation Area Appraisal and Management Strategy 2010 specifically identifies the previous shopfront at the property as one of a number of historic shopfronts that contribute considerably to the character of the area and are an interesting reminder of its evolution since its initial development.
8. To that end, the loss of the original shop front and its replacement with something that is contemporary in appearance and out of keeping with the traditional shopfront form of the FSCA, fails to preserve the significance of the heritage asset.
9. I conclude, therefore, that the development does not preserve or enhance the character or appearance of the Fitzroy Square Conservation Area. It is, as such, in conflict with Policies D1, D2 and D3 of the Camden Local Plan 2017 which state that: development should preserve or enhance the historic environment; that development in conservation areas should preserve or enhance the character or appearance of the area; and, that the Council will expect a high standard of design in new shopfronts with regard to, amongst other things, the existing historic merit of the shopfront.
10. In finding harm in respect of the significance of a heritage asset, paragraph 196 of the National Planning Policy Framework (the Framework) sets out that, where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, I find that harm would be less than substantial and in accordance with paragraph 196 of the Framework, it should be weighed against any public benefits of the proposal.
11. I note that the shop front allows the existing bar/restaurant to trade from the premises. However, there is no evidence that such an operation could not trade with the previous shopfront or indeed that the new shopfront provides any significant additional benefits that could not be provided by the original. Consequently, the harm that would arise to the heritage asset would outweigh the public benefits of the proposal.

*Conclusion*

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

*J Whitfield*

**INSPECTOR**