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# Appellant Statement of Case

London Borough of Camden

Application Reference: 24/2588/P

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122A Finchley Road, London, NW3 5HT

Prepared by Savills (UK) Limited on behalf of Mr  
Amir Shirafkan

October 2024

# Statement of Case

122a Finchley Road, London, NW3 5HT

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## Contents

1. Introduction	3
2. Context of the Appeal	5
3. The Appeal Scheme	8
4. Planning Policy Framework	10
5. Appeal Statement of Case	12
6. Summary and Conclusions	18

## 1. Introduction

1.1. This Statement of Case (“SoC”) has been prepared by Savills (UK) Limited (“Savills Planning”) on behalf of the Appellant, Mr Amir Shirafkan (“the Appellant”), under Section 78 of the Town and Country Planning Act 1990, against the refusal of planning permission by the London Borough of Camden (LBC) (“the Council”).

1.2. The appeal relates to 122a Finchley Road, London, NW3 5HT (“the Site”).

1.3. A planning application for the proposed development was submitted on 25 June 2024 and subsequently validated on 27 July 2024 and assigned reference number 2024/2588/P. The description of development as detailed within the Decision Notice is as follows (hereafter referred to as “the Appeal Scheme/ Proposal”):

*“Alterations to shopfront.”*

1.4. The Delegated Report recommended that planning permission be refused. The Decision Notice was issued by the Council on 15 August 2024 and listed one reason for refusal.

*1. The proposal shopfront alterations, by reason of their detailed design, materials and form, are considered to be out of character with the host building and the surrounding area and harmful to the appearance of the host building and the wider area, contrary to Policies D1 and D3 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and National Planning Policy Framework 2023.*

1.5. The Appellant appeals against the decision to refuse planning permission.

### **Structure of this Statement of Case**

1.6. The structure of this Statement of Case is set out as follows:

- **Section 2 (Context of the Proposals)** provides background to the appeal, including a description of the site and surrounding area and planning history of the site;
- **Section 3 (Appeal Proposal)** sets out the appeal proposals;
- **Section 4 (Planning Policy Framework)** sets out the relevant planning policy framework that the appeal is considered to be considered against;
- **Section 5 (Case against Reason for Refusal)** sets out the reason of refusal and in turn demonstrates the acceptability of the proposal against the policies cited by the Council;

## Statement of Case

122a Finchley Road, London, NW3 5HT

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- **Section 6 (Conclusions)** summary and conclusions to conclude why the appeal complies with all up to date national, regional and local planning policies and why the appeal should be allowed.
- 1.7. This Statement of Case is supported by and should be read in conjunction with the submitted drawings and the application documentation.

# Statement of Case

122a Finchley Road, London, NW3 5HT



## 2. Context of the Appeal

2.1. This section provides details of the background to the Appeal site and provides the context within which the appeal scheme is being made.

### The Site and Surrounding Context

2.2. The site is located on the east side of Finchley Road within the planning jurisdiction of the London Borough of Camden (LBC). A site location plan showing the site in the context of the surrounding area is submitted as part of this Appeal. The site consist of a 3 storey building with a beauty salon at ground floor level with a mezzanine level as shown at Figure 2.1 below. A photograph of when the bank was in use is provided at Figure 2.2.



Figure 2.1: Photograph of 122a Finchley Road (existing)

## Statement of Case

122a Finchley Road, London, NW3 5HT

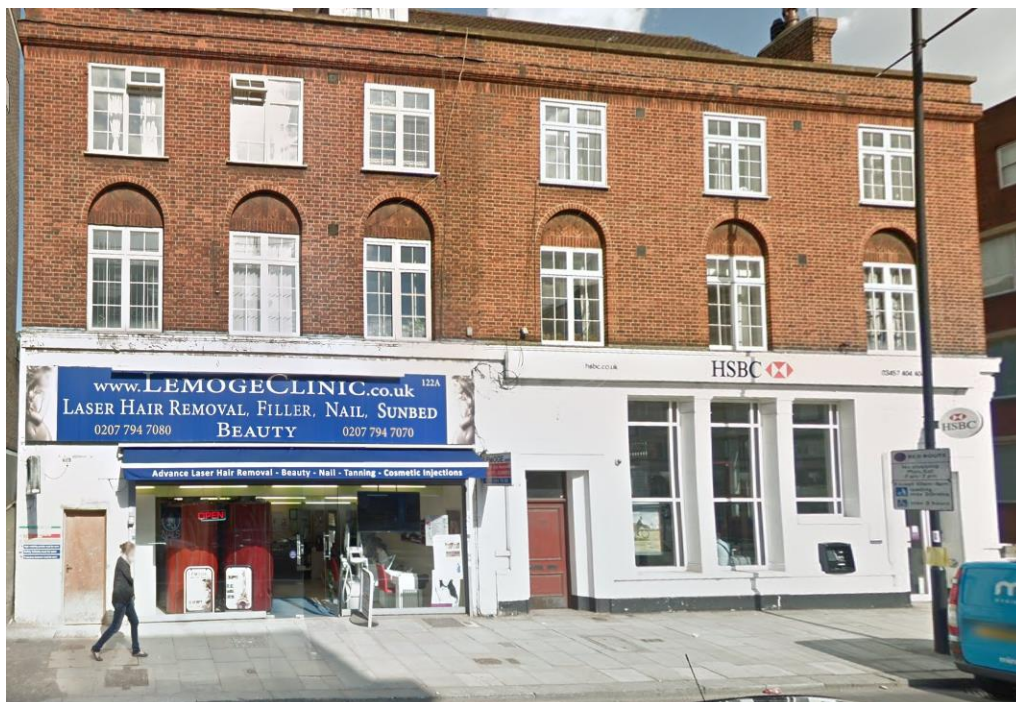


Figure 2.2: Photograph of 122a Finchley Road (dated 2017)

- 2.3. The existing shopfront includes a glazed entrance door to the left, with another door in the middle, aluminium framed glazing, a retractable awning with advertisement letters and a banner signage to the outside of the recessed balcony at mezzanine level.
- 2.4. The site has a Public Transport Accessibility Level (PTAL) score of 6b (best) (with 1 being the lowest and 6 the highest) reflecting excellent public transport links and accessibility to the site. The site is served by Finchley Road underground station located directly opposite the site, providing access to the Jubilee and Metropolitan Line.
- 2.5. The site is designated within the Finchley Road/ Swiss Cottage Town Centre. The site is not located within a Conservation Area and does not contain any statutory listed building. The Environment Agency's Flood Map for Planning indicates that the site is situated within Flood Zone 1, which is defined as land that has less than 1 in 1,000 annual probability of river or sea flooding.

### Planning History

- 2.6. A desk-top based search has been undertaken with regards to the planning history for the site. A summary of the relevant planning history for the site can be found in Table 2.1 below.

## Statement of Case

122a Finchley Road, London, NW3 5HT



Table 2.1: Key Planning History for 122a Finchley Road

Application Reference	Description of Development	Decision and Date
2024/2588/P	Alterations to shopfront.	Refused 22/08/2024
2021/0195/P	Retrospective conversion of first floor from retail storage unit to three self-contained flats and associated works	Refused 09/11/2022
2016/4959/P	Erection of a single storey extension to the rear at ground floor for ancillary retail floorspace (Class A1) (retrospective).	Granted 03/04/2018
2014/3012/P	Erection of two storey ground floor rear extension to provide additional space for restaurant (Use Class A3).	Granted 29/10/2014
2013/5420/P	Erection of a 2 storey rear extension, including an alteration to the existing extraction flue to restaurant (Class A3).	Refused 19/12/2013
2010/5329/P	Change of use from restaurant (use class A3) to dual use takeaway (use class A5) and restaurant, with associated alterations to single storey rear extension and installation of plant equipment in rear garden structure	Refused 08/04/2011
8700372	Installation of a new shopfront as shown on drawings No.2 and 4A revised on 19th and 20th March and 30th April 1987	Granted 07/05/1987
8400458	Installation of a new shop front as shown on one un-numbered drawing.	Granted 11/04/1984
8401536	Erection of a ground floor rear extension for use as a cold room in conjunction with the restaurant use as shown on drawings No.02 and 02 Rev.A	Granted 03/04/1985
8480150	Display of an internally illuminated fascia sign measuring 6300mm x 1200mm as shown on one un-numbered drawing. Period of consent shall be from 1st November 1984 until 31st October 1989	Granted 24/10/1984

# Statement of Case

122a Finchley Road, London, NW3 5HT



## 3. The Appeal Scheme

- 3.1. This section sets out a summary of the key elements of the Appeal proposal. A comprehensive description of the detailed design is set out in the accompanying drawings.
- 3.2. The Appeal proposes to open up the existing façade to create a new full-height (1.5) storey frameless glazed shopfront with an aluminium upstand at the base. The recessed balcony would be brought forward to join the full-height frameless glazing. The proposed glazed doors are located in the same position as the existing doors.
- 3.3. The Appeal proposes to remove the existing signage and proposes the installation of a new pressed metal signage. An internal security shutter box is also proposed and an aluminium upstand.



Figure 3.1: Proposed Elevation



# Statement of Case

122a Finchley Road, London, NW3 5HT

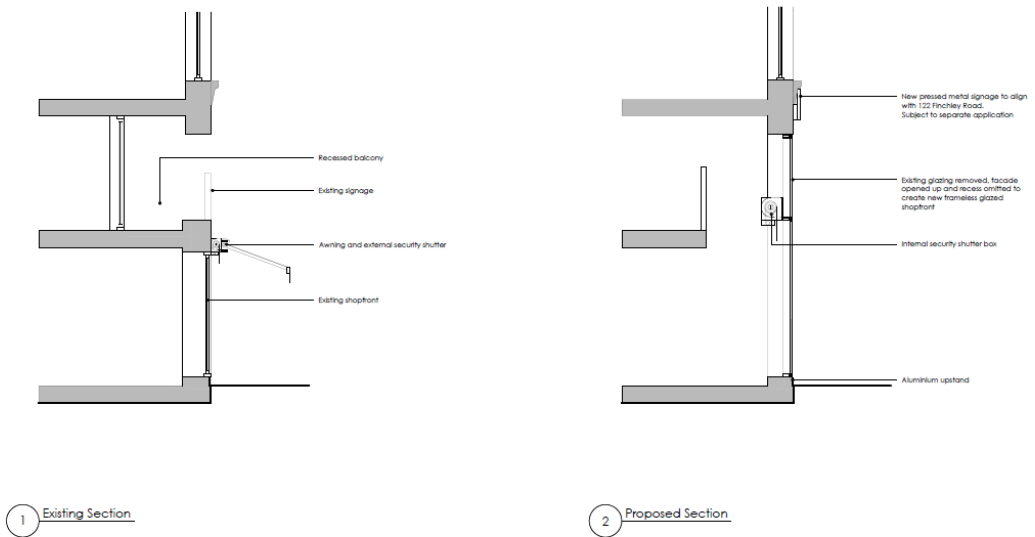


Figure 3.2: Existing and Proposed Section

## 4. Planning Policy Framework

- 4.1. The redevelopment proposals have taken account of relevant national, regional and local planning policy. This section of the Planning Statement sets out a summary of the relevant planning policy documents and the following section demonstrates compliance with these policies.
- 4.2. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 4.3. The development plan comprises:
- The London Plan 2021; and
  - Camden Local Plan (adopted July 2017).
- 4.4. The development plan is supported by other material considerations including:
- National Planning Policy Framework (NPPF), December 2023;
  - Planning Practice Guidance (PPG) to support the NPPF; and
  - Camden Design CPG (January 2021).

### **National Planning Policy Framework**

- 4.5. At the national level, the Government published its revised National Planning Policy Framework (NPPF) in December 2023. The NPPF provides an overarching framework for the production of local policy documents and at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10).
- 4.6. For decision-taking, Paragraph 11 sets out that, in the context of the presumption in favour of sustainable development, this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

4.7. The Government expects the planning system to deliver the homes, business, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment.

4.8. The Government has published Planning Practice Guidance (PPG) to support the NPPF, providing further guidance on specific planning issues and processes.

### **The London Plan**

4.9. The London Plan (2021) is the overall strategic plan for Greater London and sets out the Mayor of London's overall strategic plan for London. Relevant London Plan policies are referenced in this assessment where appropriate.

### **Local Planning Policy**

4.10. The Camden Local Plan, adopted July 2017 sets out the main policies and overarching themes which guide development. The Camden Local Plan should be seen as complementary to be read in conjunction with the London Plan, NPPF and Planning Practice Guidance and London Plan Supplementary Planning Guidance documents. The Plan sets out a general position statement in relation to new development in the Borough, setting out locally specific Camden policies on these matters.

### Emerging Local Plan

4.11. Camden is in the process of preparing a New Local Plan. The new Local Plan will replace the current Camden Local Plan (2017) and Site Allocations Plan (2013). The Council has consulted (January – March 2024) on the draft New Camden Local Plan (Regulation 18) Consultation Version. It is anticipated that Regulation 19 will take place Winter 2024/25.

4.12. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the more advanced its preparation, the greater the weight that may be given.

4.13. Given the early stage of the emerging Local Plan, it is considered that limited weight should be afforded to its provisions.

## 5. Appeal Statement of Case

- 5.1. This Statement of Case seeks to address the reasons for refusal given by the London Borough of Camden (LBC), and, in turn, demonstrate the acceptability of the proposal against the policies cited by the Council. An explanation of the acceptability of the proposal is provided below.

### **Reason for Refusal**

- 5.2. The Council's reasoning for refusal alleges that the proposed shopfront alterations, by reason of their detailed design, materials and form, are considered to be out of character with the host building and the surrounding area and harmful to the appearance of the host building and the wider area, contrary to Policies D1 and D3 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and National Planning Policy Framework 2023.
- 5.3. Section 12 of the NPPF promotes the creation of high-quality buildings and places stating that good design is a key aspect of sustainable development (Paragraph 131). Paragraph 135 of the NPPF sets out criteria for good design including adding to the overall long-term quality of the area; visually attractive architecture and landscape design; sympathetic to local character creating a sense of place and optimising a site's potential.
- 5.4. At the local level, Local Plan Policy D1 (Design) the Council will seek to secure high quality design in development. The policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; being sustainable and durable; and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 5.5. Local Plan Policy D3 outlines that the Council expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. If a shopfront is replaced or altered, the design should respect the characteristics of the building and where appropriate, shopfront windows and framework features, such as pilasters, fascia's and console brackets, should be retained or restored. When determining proposals for shopfront development the Council will consider the following:

## Statement of Case

122a Finchley Road, London, NW3 5HT

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- a. The design of the shopfront or feature, including its details and materials;
  - b. The existing character, architectural and historic merit and design of the building and its shopfront;
  - c. The relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;
  - d. The general characteristics of shopfronts in the area;
  - e. Community safety and the contribution made by shopfronts to natural surveillance; and
  - f. The degree of accessibility.
- 5.6. Camden's Design CPG states that it is important that new shopfronts and alterations to existing shopfronts are sensitively designed and do not detract from the character of the host building or the surrounding area. Insensitive alterations to existing shop fronts and poorly designed shopfronts in new buildings can erode the character of existing frontages and the local area.
- 5.7. The Appeal proposal seeks to simplify the façade by removing the existing glazing, low quality banner signage and recessed windows and replace these elements with a clean and attractive façade.
- 5.8. The Officers' Report acknowledges that the proposal would improve the shopfront by bringing forward the existing recessed balcony and removing the banner signage. However, Officer's consider the proportion of glazing to be excessive and out of keeping with the solid masonry of the period host building. The Officers Report states that the full-height frameless glazing is not high-quality or design and would not complement the character of the host building.
- 5.9. The submitted architectural drawings, illustrate the high-quality proposals in detail and provide a clear design rationale for the proposal. The proposed shopfront alterations comprise of high-quality design and materials, in keeping with the array of commercial units along Finchley Road, and will not negatively impact the surrounding context or character. The proposals are considered modest, with a neutral colour palette (grey aluminium and glass) and appropriately scaled lettering of an appropriate nature.
- 5.10. Furthermore, Officers consider that the proposed design would be out of character to the adjoining semi-detached unit at No. 122 Finchley Road, which was a former HSBC bank.

## Statement of Case

122a Finchley Road, London, NW3 5HT

- 5.11. The existing shopfront is not traditional and is not sympathetic to the design of the rest of the building or the immediate context. The proposed Appeal scheme seeks to compliment and improve the period host building. A modern shopfront should not seek to replicate a historic bank frontage but sit alongside. Figure 5.1 below demonstrates another historic bank frontage adjacent to a modern shopfront within the London Borough of Camden.



Figure 5.1: 166 / 169 Camden High Street

- 5.12. At paragraph 3.6 of the Officers Report it is implied that the shopfront was formerly in use as a bank with the Officer noting “a certain degree of solidity in terms of material used still exists in its shopfront”. 122a Finchley Road has never been in use as a bank, as demonstrated from a photograph of the site in 2008 (see Figure 5.2 below) and as reiterated above, the proposed shopfront should not seek to replicate a historic bank frontage.



Figure 5.2: 122a and 122 Finchley Road 2008

# Statement of Case

122a Finchley Road, London, NW3 5HT



- 5.13. The proposed fascia will be in line with the signage of the bank at 122 Finchley Road. The banks upstand plinth is minimal, as such the Appeal proposes a similar thin plinth. Furthermore, the proposed glazing sits within a metal masonry frame and a transom is proposed above the door. The Appeal seeks to incorporate tradition features but in a contemporary way to compliment the historic features of the bank. The proposed Appeal scheme seeks to compliment and improve the period host building. On these grounds, the appeal should be granted permission.
- 5.14. The design changes are modest in nature and are in keeping with the surrounding shops. As demonstrated at Figures 5.3 – 5.13 below, there are various examples of similar shopfronts throughout the surrounding area and the London Borough of Camden.



Figure 5.3: 255 Finchley Road



Figure 5.4: 164 Finchley Road



Figure 5.5: Unit 4C Finchley Road



Figure 5.6: 124 Finchley Road

# Statement of Case

122a Finchley Road, London, NW3 5HT



Figure 5.7: 11 Frognal, Finchley Road,



Figure 5.8: 107 Regents Park Road



Figure 5.9: 162 Regents Park Road



Figure 5.10: 8 Hampstead High Street



Figure 5.11: 66 Rossllyn Hill



Figure 5.12: 279 Camden High Street



## Statement of Case

122a Finchley Road, London, NW3 5HT



*Figure 5.13: 333 – 339 Finchley Road*

- 5.15. In consideration of the above, the Appeal proposal is of good design that is considered suitable at this location, adding to the rich, eclectic mix of modern shopfronts along Finchley Road. The proposals are considered to relate well to the commercial area and host building. As such, the Appeal proposals are considered to be in accordance with national, regional and local planning policies.

## 6. Summary and Conclusions

- 6.1. This Statement of Case has assessed the Officers Report against the proposed scheme and the prevailing planning policy framework and has demonstrated that the scheme complies with the relevant national, regional and local planning policy and guidance.
- 6.2. The Appeal proposes to open up the existing façade to create a new full-height (1.5) storey frameless glazed shopfront with an aluminium upstand at the base. The recessed balcony would be brought forward to join the full-height frameless glazing. The proposed glazed doors are located in the same position as the existing doors.
- 6.3. The Appeal proposes to remove the existing signage and proposes the installation of a new pressed metal signage. An internal security shutter box is also proposed and an aluminium upstand. The Appeal seeks to incorporate traditional features but in a contemporary way to compliment the historic features of 122 Finchley Road which was formerly in use as a bank.
- 6.4. The proposals are considered to relate well to the commercial area and host building. As such, the Appeal proposals are considered to be in accordance with national, regional and local planning policies. It is therefore respectfully requested that the proposals are approved.