

Delegated Report		Analysis sheet	Expiry Date:	30/01/2025
		N/A / attached	Consultation Expiry Date:	13/01/2025
Officer			Application Number(s)	
Henry Yeung			2024/5435/P	
Application Address			Drawing Numbers	
16 Hampstead High Street London Camden NW3 1PX			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of a metal roller shutter on the façade. (Retrospective Application)				
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
			No. electronic	03		
Summary of consultation responses:	<p>Site Notice were displayed on the 20/12/2024 and the consultation period expired on the 12/01/2025</p> <p>A press notice was advertised on 20/12/2024 and expired on 13/01/2025</p> <p>Two objection letters were received which is summarised below:</p> <p>“The proposed installation of a metal security gate is strongly opposed due to its detrimental impact on the character and appearance of Hampstead High Street and its Conservation Area. Such gates are contrary to Policy EC2 of the Hampstead Neighbourhood Plan, which explicitly prohibits external security shutters, grilles, or meshes, and the Hampstead Area Conservation Statement, which presumes against these features.</p> <p>Additionally, metal grilles harm the aesthetic and economic vibrancy of high streets, particularly within conservation areas, violating Policies DH1 and DH2 of the Hampstead Neighbourhood Plan. Other shops in the area have effectively addressed security concerns without resorting to intrusive and unsightly measures. If this proposal were replicated across the parade, it would severely detract from the area's visual and heritage value.”</p> <p><i>Officer comment: The impact of the existing security gate on the character of the Hampstead Conservation Area will be assessed in Section 2</i></p>					
Response from Councillor	<p>One objection letter was received from Councillor Linda Chung,</p> <p><i>“I have received many complaints against this application which installation appears to have gone ahead without approval. It breaches the HNF planning guidelines and Hampstead Conservation Area principles.”</i></p>					
Hampstead CAAC Hampstead Neighbourhood Forum	<p>Hampstead CAAC and Hampstead Neighbourhood Forum were consulted, and no responses were received.</p> <p>.</p>					

Site Description

The application site refers to a commercial premises located on the ground floor on the northern side of Hampstead High Street. The building is identified as making a positive contribution to the Hampstead Conservation Area.

Relevant History

2023/3019/A "Display of 1x illuminated fascia sign. Metal mullions are to be replaced from the current mirrored surfaces with a bronze/brass natural finish." 21-08-2023. Approval

Relevant policies

National Planning Policy Framework (2024)

The London Plan 2021

Camden Local Plan 2017

C5 Safety and security

D1 Design

D2 Heritage

D3 Shopfronts

A1 Managing the impact of development

Hampstead Neighbourhood Plan

DH1 – Design

DH2 – Conservation and listed buildings

EC2 -- Contributing positively to the retail environment

CPG Design (2021) Chapters 2 and 6

Hampstead Conservation Area appraisal and management strategy (2001)

Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

1. Proposal

1.1 The proposal is for seeking retrospective approval for a roller shutter to the ground floor shopfront.

1.2 Key planning issues are as follows:

- Design & Heritage
- Neighbouring Amenity

2. Design & Heritage

Policy:

- 2.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within a conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 2.2. Policy D3 states that alterations to shopfronts should consider the existing character, architectural, and historic merit and design of the building and its shopfront. Local Plan policy C5 states that "external security features which obscure the front of buildings such as solid roller shutters can make places seem hostile and unsafe which can discourage pedestrian movement, they will therefore be resisted."
- 2.3. NPPF (2024) states at para 215 that, where a development proposal will lead 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 including, where appropriate, securing its optimum viable use
- 2.4. Chapter 6 of the CPG (Design) emphasises that shopfronts should be designed to a high standard, considering the character and design of the building and its context. Alterations to existing shopfronts must respect the detailed design, materials, colour, and architectural features of both the shopfront and the building. For newly designed buildings, shopfronts should integrate well with the surrounding area and positively contribute to the public realm. The Council strongly encourages internal rather than external security measures for shopfronts, with solid shutters deemed acceptable only in exceptional circumstances. Vibrant, well-designed shopfronts are essential for animating and activating the street scene, contributing to the creation of healthy, engaging places.
- 2.5. Chapter 6.9 of the CPG (Design) states that In assessing applications to alter shopfronts within conservation areas special attention will be given to the desirability of preserving and enhancing the character and appearance of the Conservation Areas (for further information see chapter 3 Heritage of this CPG). In cases where a historic shopfront exists, the Council will encourage its retention. Solid shutters will only considered to be acceptable in exceptional circumstances as they are unsightly and can generate feelings of insecurity in those walking by, hide internal intruders and encourage crime and anti-social behaviour such as graffiti.
- 2.6. Policy DH1 of the Hampstead Neighbourhood Plan requires development proposals to demonstrate how they respect and enhance the character and local context of the relevant

character area. Policy DH2 of the Hampstead Neighbourhood Plan requires planning applications within a Conservation Area to have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies.

- 2.7. Policy EC2 of Hampstead Neighbourhood Plan (2018) states that security measures that do not detract from the streetscape, including toughened glass and the strengthening of shop fronts, will be supported. External security shutters, grilles or meshes will not be supported.
- 2.8. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72 of the Listed Buildings and Conservation Areas Act 1990, as amended by the Enterprise and Regulatory Reform Act 2013.

Assessment



Figure 1 – Photograph of Hampstead High Street shutter

- 2.9. A solid shutter has been installed on Hampstead High Street and can be seen on the above figure 1. The applicant has specified that the shutter is required because there have been reported three separate incidents of vandalism involving the glass being smashed.
- 2.10. CPG Design states that shutter boxes should be discrete and should not project forward of the fascia or obscure any architectural features. They should be concealed wherever possible, for example set behind or within the fascia panel and the guide rails concealed within the frame of the shopfront. This results in a bulky and incongruous addition to the shopfront which obscures the architectural features of the shopfront harming the character and appearance of the property and surrounding conservation area. The Council resist the installation of metal security shutters as they have a negative effect on the character and appearance of the streetscene.
- 2.11. The retrospective metal roller shutter and shutter box are contrary to the Council's policy guidance and Hampstead Neighbourhood Plan. Such features are generally unacceptable as they fail to preserve or enhance the character and appearance of the Conservation Area. Metal security gates, particularly in prominent and highly visible locations such as Hampstead High Street, are considered out of character and detrimental to the architectural integrity of the

surrounding area. These alterations undermine the architectural style of the property and its context, resulting in an overly dominant, incongruous, and unsympathetic appearance. The shutters would seemingly result in an improved security benefit for the applicant. It is noted that no evidence has been submitted to support the claims of security improvements, nor has it been demonstrated that other security provisions such as internal shutters or security grille (as mentioned in paragraph 2.8), would not be adequate to meet the security needs of the applicant. In accordance with paragraph 215 of the NPPF, there are no demonstrable public benefits to outweigh this less than substantial harm. In any event, it is considered that such evidence would not be sufficient to demonstrate a public benefit which outweighs the harm caused as a result of the proposal. The metal security gate would bring about less than substantial harm to the conservation area owing to it being out of keeping with the general development pattern, its prominence and impact on the street scene. Consequently, the proposal would cause harm to the visual character and heritage significance of the Hampstead Conservation Area.

2.12. As a result it is considered that the proposal would fail to accord with policies D1, D2 and D3 of the Local Plan and Policies DH1, DH2 EC2 of Hampstead Neighbourhood Plan, resulting in an incongruous addition, failing to preserve or enhance the appearance of the host building of the setting of the conservation area.

3. Amenity

3.1 Policy A1 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Camden's Local Plan is supported by CPG (Amenity).

3.2 Given the minor nature of the proposals, this development is not expected to have any negative impact on neighbouring residential amenity in terms of loss of light, outlook, or privacy.

4. Recommendation: Refuse Planning Permission

The external shutter box and metal roller shutters by reasons of its location, design and appearance, would result in an incongruous addition which would harm the character and appearance of the building and the Hampstead Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the London Borough of Camden Local Plan 2017 and Policies DH1 (Design), DH2 (Conservation areas and listed buildings) and EC2 (Retail centre environment) of Hampstead Neighbourhood Plan (2018).

5. Enforcement Action

5.1 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 remove the two external solid roller shutters, 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.

5.2 The notice shall allege the following breach of planning control:

Without planning permission: Installation of an external shutter box and metal roller shutter to the shopfront.

What you are required to do:

1. Completely remove the external shutter box and metal roller shutter from the shopfront; and
2. Remove any constituent materials, and make good any damages as a result.

Period of Compliance: THREE (3) Months

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

The external shutter box and metal roller shutters by reasons of its location, design and appearance, would result in an incongruous addition which would harm the character and appearance of the building and the Hampstead Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the London Borough of Camden Local Plan 2017 and Policies DH1 (Design), DH2 (Conservation areas and listed buildings) and EC2 Retail centre environment of Hampstead Neighbourhood Plan (2018).