



Appeal Decision

Site visit made on 25 February 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/X5210/W/24/3354281

122A Finchley Road, London NW3 5HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amir Shirafkan against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/2588/P.
 - The development proposed is alterations to shopfront.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to shopfront at 122A Finchley Road, London, NW3 5HT in accordance with the terms of the application, Ref 2024/2588/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 0660-PL-3-1020; 0660-PL-3-1200; 0660-PL-3-1001; 0660-PL-3-1300; Cover letter prepared by Black Architecture Limited dated 21 June 2024.
 - 3) All new external work and finishes and work of making good shall match the existing adjacent original work in respect of the materials, colour, texture, profile, and finished appearance, except where indicated otherwise on the drawings hereby approved, or unless otherwise required by condition.

Preliminary Matters

2. There was a previous appeal decision¹ (the previous appeal), which in accordance with case law is a material consideration as it is necessary to have consistency in decision making. The appeal decision upheld the Council's enforcement notice which amongst other matters required the removal of the recessed balconies by reinstating the front elevation to match the position, materials, design and proportions of the pre-existing façade. As this appeal relates only to the replacement shop frontage, I have not considered any other matters relating to the previous enforcement notice.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2024 and it was further updated in February 2025. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised

¹ APP/X5210/C/23/3315503

Framework, and I am satisfied that no interested parties have been prejudiced by taking this approach.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal site comprises one of a pair of shop fronts on the ground floor of a detached building located on the high street. The existing banner signage runs in front of a recessed balcony, which was subject to the previous appeal. Below this the shop front is fully glazed with aluminium frames with doors to the centre and to the side.
6. The appeal site adjoins a former bank, No. 122B, with white rendered shopfront. This property retains much of its traditional features. This includes three recessed metal framed windows intersected by two white rendered pilasters in the centre above a stallriser and doors to each side. The top cornicing detailing runs across both the appeal site and the adjoining property at No.122B. The pair of shopfronts form the ground floor of a detached block constructed from red brick. The building itself has a well-proportioned appearance with arched window detailing at first floor level. There are a mix of architectural styles along this part of Finchley Road with many traditional shop frontages, along with more contemporary designs.
7. Policy D3 of the Camden Local Plan 2017 states that the Council will expect a high standard of design in new and altered shopfronts. It goes on to state that where a new shopfront forms part of a group where original shop fronts survive its design should complement their quality and character.
8. The existing appearance of the appeal site relates poorly to the adjoining shopfront, which retains its traditional appearance and detailing. I note from the historical photographs and plans that even prior to the recent changes the appeal site had different window profiles to its neighbour and did not have a stallriser. Although its façade included a greater proportion of masonry than the current design, it had limited traditional features.
9. The full 1.5 storey height and frameless glazing of the proposal would match the height of the windows of the adjoining shopfront. Although a stallriser would not be reinserted, the frame would reflect the vertical emphasis of the pilasters on No. 122B. The proposed pressed metal signage would align with that of No. 122B and improve the visual relationship between the two shop fronts. Together the proposed signage, in addition to returning the height of the windows to match those of the adjoining property would provide some regularity to the appearance of the pair of shop frontages. Therefore, despite being a modern design its simplicity would not detract from the traditional features of No. 122B. Given the mix of architectural styles along Finchley Road the full height of the glazing would not appear incongruous within the street scene.
10. The proposed development would not harm the character and appearance of the host building and the surrounding area. Thereby, it does not conflict with Policies D1 and D3 of the LP, which seek amongst other things to ensure a high standard of design in new shopfronts.

Other Matters

11. The Fitzjohns/Netherall Conservation Area (CA) runs along the side of the appeal site and the rear of 122c. A small section of Finchley Road between Nos. 130-150 and No. 128 is included within the CA. The significance of the CA lies with its landscape, townscape and architecture. Nos 124 and 124a are identified in the Fitzjohns/Netherall Conservation Area Character Appraisal and Management Plan (2022) as buildings which make a positive contribution to the CA. As I have concluded that the proposal would not harm the character and appearance of the surrounding area, I therefore consider that it would not cause harm to the setting of the CA.
12. I note that third parties have raised matters relating to the structural stability of the host building and impact of works previously undertaken on the property on neighbouring residents. However, these are not matters for me in determining this planning appeal.

Conditions

13. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance.
14. In order to meet legislative requirements, a condition shall be imposed to address the period for commencement (1). I have imposed a condition relating to approved plans and materials for the avoidance of doubt (2 and 3).

Conclusion

15. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR