

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	27/12/2010
		N/A	<b>Consultation Expiry Date:</b>	02/12/2010
<b>Officer</b>			<b>Application Number(s)</b>	
Rob Willis			2010/4816/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
38 England's Lane London NW3 4UE			See Draft Decision Notice.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Retention of 2 air conditioning units and associated enclosure at fascia level on the front facade in connection with existing estate agents (Class A2).				
<b>Recommendation(s):</b>		Refuse permission and warning of enforcement action to be taken		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	12	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>Site notice displayed 05/11/10 to 26/11/10 and application advertised in the Ham and High Newspaper.</p> <p><b>Adjoining owners/occupiers</b> No reply to date.</p>					
CAAC/Local groups comments:	<p><b>Belsize CAAC:</b> Objection.</p> <ul style="list-style-type: none"> <li>• Excessive size and depth of fascia, which projects approximately 500mm from the original fascia position.</li> <li>• Out of keeping with the style and appearance of the shopfront, building, and this part of the conservation area;</li> <li>• Visually detrimental to the original features of the shopfront and building (i.e. pilasters and console brackets, and the first floor railing)</li> <li>• Illumination of the fascia is unacceptable as it is extensive, illuminating the entire fascia. Illumination of the fascia lettering only may be acceptable, and advertisement consent should be applied for</li> <li>• Conservation Area Statement for Belsize states that many shopfronts in England's Lane are of poor design and quality and there is much scope for improvement.</li> <li>• This application does not preserve or enhance the character and appearance of the conservation area.</li> <li>• A design guide for shopfronts is appropriate to maintain original features and encourage reinstatement where lost.</li> </ul>					

## Site Description

The application site is a mid terrace property located on the north-east side of England's Lane. The basement and ground floor of the premises is currently in use as an estate agent (use class A2), with residential flats on the upper floors. The site is located in England's Lane Neighbourhood Centre. The building is not listed, but falls within the Belsize Conservation Area.

## Relevant History

### 30 England's Lane

8980930: Advertisement consent granted on 22-11-1989 for the erection of three halogen spot lights to illuminate fascia sign a retractable awning at fascia level and a non-illuminated double sided projecting sign with a diameter of 500mm at fascia level.

### 32 England's Lane

TPD1688/1632: Planning permission granted on 01-10-1964 for the installation of new shop front

### 34 England's Lane

CTP/G9/22/2/37213(R1): Planning permission granted on 01-03-1984 for the installation of a new shopfront

AD1886: advertisement consent granted on 10-01-1982 for the display of an internally illuminated fascia sign measuring 2ft and a projecting box sign filled 12ft above pavement level.

## Relevant policies

### LDF Core Strategy and Development Policies

- CS5 – Managing the impact of growth and development
- CS14 – Promoting high quality places and conserving our heritage
- DP24 – Securing high quality design
- DP25 – Conserving Camden's heritage
- DP26 – Managing the impact of development on occupiers and neighbours
- DP28 – Noise and vibration
- DP30 – Shopfronts

## Assessment

The application seeks retrospective planning permission for the installation of two air conditioning units within an enclosure at fascia level on the front facade of an existing estate agent. The main issues to be considered are design/visual impact and amenity.

### Design/visual impact

Under Development Policies DP25 and DP30, Camden will only permit development within conservation areas that preserves or enhances the character and appearance of that area, and in terms of assessing the design of works to shopfronts will take into account:

- the character, architectural and historic merit and design of the building and its shopfront;
- the relationship between the shopfront and the upper floors of the building; and
- the general characteristics of shopfronts in the area.

England's Lane is an attractive neighbourhood centre which has many historic shopfronts. The Belsize Conservation Area Statement (April 2003) identifies 38 England's Lane as a building that makes a positive contribution to the special character and appearance of the conservation area. The shopfront retains many of its original details. There have been some unsympathetic alterations made to shopfronts along the street for example 30, 32 and 34 England's Lane, these date from the 1980s. The Belsize Conservation Area Statement highlights the harmful impact that inappropriately proportioned shopfront and fascia treatments have to shops along the street, and the harm caused to shopfronts in the wider conservation area by inappropriate signage, inappropriate fascias and loss of original detailing. It states that proposals for new shopfronts will be expected to preserve or enhance the visual character and appearance of the shopping streets.

The proposal involves the installation of an enclosure around two air conditioning units on the fascia board of the shopfront; the existing advertisement has been attached to the front of the enclosure. The enclosure is approximately 50cm deep. At this scale, the air conditioning enclosure is a dominant feature on the shopfront and is considered to be excessive, projecting significantly from the original fascia position. The excessive projection of the enclosure is particularly evident in views along England's Lane, although it is also visually prominent when viewed from the front. The ventilation grilles are particularly unsightly and utilitarian.

The enclosure also risks competing with, and therefore being visually detrimental to the attractive detailing of the original shopfront, including the existing pilasters and console brackets, placing the fascia in line with this detailing where it was previously positioned behind. The excessive scale of the plant enclosure also creates an awkward relationship between the shopfront below and the fascia, as well as eroding the composition of the shopfront and slender balcony above.

The installed structure at fascia level is therefore considered to represent a harmful addition to the building, crudely attempting to conceal air conditioning units that are positioned in an inappropriate location on a previously attractive shopfront. The proposal would harm the character and appearance of the shopfront, the host building and wider conservation area, and is considered to be unacceptable in design terms.

There are a number of comparable structures at fascia level on neighbouring shops to the north, including Nos. 30 and 32 England's Lane. However, permission for these shopfronts was granted over twenty years ago, and clearly would not be acceptable under current policy; they should not be seen as precedent. It should also be noted that a large number of shopfronts retain more appropriate shopfront proportions and features, including fascias that align more appropriately with the original shopfront (see for example Nos. 40-50 and 41-55 England's Lane). To grant permission for this application would exacerbate harm caused by isolated works to other shopfronts, and could set a precedent that would lead to further harmful alterations in what is currently an attractive shopping street.

## **Amenity**

Under Development Policies DP26 and DP28, Camden will seek to ensure that development does not cause harm to amenity in terms of noise and vibration, and will not permit development that exceeds Camden's Noise and Vibration Thresholds. The applicant has provided a Noise Investigation Report in support of the application, in order to allow the Council to assess whether the proposals would comply with Camden's noise and vibration thresholds. The Council's environmental health team have considered the report and have advised that the survey demonstrates that the proposed units would not have an unacceptable impact in terms of noise.

## **Conclusion**

The proposed enclosure is considered to be an inappropriate and a visually harmful addition that would fail to preserve or enhance the character and appearance of the shopfront, the host building and the conservation area.

## **Recommendation**

### **(i) Refuse Planning Permission and Warning of Enforcement Action**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act as amended, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

**The notice shall allege the following breach of planning control:** The unauthorised installation of 2 air conditioning units and associated enclosure at fascia level on the front facade of the existing estate agents (Class A2).

**Steps to be taken:** The enforcement notice shall require that within a period of six months of the notice taking effect, the 2 air conditioning units and enclosure are removed, and the shopfront and fascia are reinstated in their original form.

### **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THIS NOTICE:**

1. The unauthorised installation of 2 air conditioning units and associated enclosure, by reason of their inappropriate siting, visual bulk, scale and design, is detrimental to the character and appearance of the shopfront, the host building and the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP30 (Shopfronts) of the London Borough of Camden Local Development Framework Development Policies.

### **Disclaimer**

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