



# Appeal Decision

Site visit made 13 October 2010

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 November 2010**

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**Appeal Ref: APP/X5210/A/10/2131682**  
**174 Royal College Street, Camden NW1 0SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Saaras Cars Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref. 2010/0016/P, dated 15 December 2009, was refused by notice dated 31 March 2010.
  - The development proposed is the change of use from storage to radio controlled mini cab office.
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## Procedural Matter

1. The proposal relates to the use of the basement of the appeal property and also involves external alterations. I therefore consider the Council's description to be more accurate and I shall deal with the appeal on this basis.

## Decision

2. I allow the appeal and grant planning permission for the change of use of basement from ancillary storage area of shop to radio controlled mini cab office; new access via stairs in front lightwell and associated alterations to shopfront at 174 Royal College Street, Camden NW1 0SP in accordance with the terms of the application, Ref. 2010/0016/P, dated 15 December 2009, 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 the following approved plans:

Drawing No.1 dated 24 November 2009: Proposed and Existing Basement Plans and Proposed and Existing Front Elevations.

Drawing No. 2 dated 24 November 2009: Staircase Sections AA and BB and Axonometric View.

Drawing No. 3 (Rev. 1) dated 25 January 2010: Existing Section AA and Proposed Section BB.
    - 3) The taxi office hereby permitted shall be used as a remote office. No fares shall be booked in person, no customers shall be picked up or dropped off directly outside the office at any time and no taxi drivers shall visit the office for any purpose other than to undertake administrative duties.
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## **Main issues**

3. The main issues in this case are the effect of the proposal on the character and appearance of Royal College Street and the Camden Broadway Conservation Area (CA), along with its effect on highway safety and the living conditions of nearby residents in terms of noise and disturbance.

## **Reasons**

### *Character and appearance*

4. The Council has no objection to the amended shopfront at street level, given that the traditional frame would be retained and I have no reason to disagree. Whilst the Council does have concerns about the cast iron railings which would enclose the proposed steps to the basement, they would be similar to those which define the forecourts of several nearby properties including No. 168 which is just three doors away and Nos. 178, 197/199, 211 and 207 Royal College Street. Whilst it might be that the basements of the properties within this part of Royal College Street were originally served by ventilation grills rather than lightwells, several properties within the immediate vicinity have lightwells similar to that which is proposed, as the Council concedes.
5. The Council asserts that some of my colleague Inspectors have resisted 'front basement lightwells to shopfronts further along Royal College Street', with No. 234 being specifically referred to. I do not, however, know the precise details of any such proposals or the reasoning behind my colleagues' decisions. In any event, I have considered the scheme before me on its individual merits and against the context of the particular section of Royal College Street within which it would be set.
6. The above factors lead me to the conclusion that the development proposed would not be out of keeping with the existing street scene. As such, the character and appearance of this particular part of the CA would, at the very least, be preserved. Accordingly, it is compliant with saved policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan (UDP).

### *Highway Safety and Living Conditions*

7. In its Decision Notice, the Council indicates that concerns relating to highway safety and the living conditions of nearby residents could be satisfactorily addressed by the completion of a legal agreement to secure a management plan. Moreover, the Council argues in its Delegated Report that the proposed use would be likely to be acceptable if the office operated purely as a "remote" control office, with no customer making personal visits to it and with taxi drivers being instructed to pick the customer up from wherever they were and deliver them to their destination without returning to the office. Contrary to the Council's suggestion, I am satisfied that an appropriately worded planning condition could address these matters and comply with the tests of Circular 11/95: *The Use of Conditions in Planning Permissions*.
8. Whilst I also consider that a condition could limit the number of drivers employed by the taxi business, the Council has not suggested an upper level. Nor do I consider this to be necessary if drivers were to be prohibited from

visiting the office other than for administrative purposes, given its restricted size. Whilst I accept that a condition could not prevent taxis from parking within 200 metres of the site, parking restrictions are in force within the immediate vicinity which would effectively perform the same function.

9. I am mindful that several upper floor flats sit within the terraced row of which the appeal property is a part. Nevertheless, in view of the busy nature of Royal College Street and in light of the above factors, I conclude that an appropriately worded planning condition could address the Council's concerns relating to both highway safety and living conditions. As a result, I am satisfied that the proposal need not conflict with saved policies T2, T9 and SD6 of the UDP.

*Other matters*

10. In reaching my decision, I have considered the additional concern raised by South Kentish Town Conservation Area Advisory Committee about the impact the proposal would have on the business use at ground floor level. The proposal does, however include provisions for the relocation of the door serving the ground floor unit and I cannot reasonably see how it would have a material impact on any of the other businesses within this row.
11. In light of the above factors, and having considered all other matters raised, I allow the appeal subject to the standard conditions which limit the lifespan of the planning permission and ensure that the development is built in accordance with the approved plans, along with a condition to restrict the matters I have referred to.

*David Fitzsimon*

INSPECTOR