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Your Ref:

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T/APP/X5210/A/92/214180

Date:

29 FEB 1993

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY PETER ARISTIDES
APPLICATION NO: PL/9200346/R1

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Camden Council to refuse planning permission for the carrying out of alterations to ground floor front elevation and the erection of ground and first floor extensions to the existing restaurant at 46 Inverness Road, NW1. I have considered the written representations made by you and by the Council and also those made by interested persons including those made directly to the Council and forwarded to me.

2. The appeal property is a small single storey building, comprising restaurant and store with separate entrance which fronts the northern side of Inverness Street close to its junction with Gloucester Crescent. On its eastern side it immediately adjoins the flank wall of a row of three 3 storey houses part of one of which appears to be in use as a design studio. Adjoining its remaining 2 sides is No 24 Gloucester Crescent, a large 4-storey residential property now in flats, which forms the end one of a terrace of similar properties. To the south of its junction with Inverness Street, Gloucester Crescent is also wholly residential in character. There is a terrace of 3-storey houses facing the appeal property on the southern frontage of Inverness Street. Further to the east along this road are various properties in employment uses including a large office block, a vehicle testing station and a builders yard. The area is included within the designated Primrose Hill Conservation Area.

3. From my inspection of the appeal property and the surrounding area on 4 January 1993, and from the representations, I have concluded that the main issue in this case concerns the effect of the proposal on the appearance and character of this part of the Primrose Hill Conservation Area.

4. You point out that the restaurant use of the property which has existed at least since 1943 suffers from severe crampedness. The proposal involves the integration of the restaurant proper with the area now used as

a store and the creation of a new first floor. It is intended to relocate the restaurant seating area at the latter level and to use the present ground floor as kitchen, bar, reception area and toilets.

5. The main issue derives in part from the requirement, in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. There are 2 matters of particular concern to the Council and others: first, the effects of the detailed design and alleged bulk of the proposed extended building on the appearance of this end of Inverness Street; secondly the implications of the increased size of the restaurant on noise generated by customers and the effects of this on the character of the area.

7. As to the first matter I saw that despite the number of window and door openings in the front wall of the building its originally intended design function of linking the ends of the adjoining terraces of houses remains. Also, even after allowing for the fact that it projects forward of the building line along this side of Inverness Street, the building has only a very minor impact on the appearance of this road.

8. In comparison with the size of the buildings that adjoin it the proposed extended building would not appear bulky and its rendered brick fascia means that in this respect it would relate reasonably well with the porch to the side of No 24 Gloucester Crescent. Despite this it seems to me that the extent of glazing would give it a very light and flimsy appearance. This, together with its prominence on views in either direction along Inverness Street, would have the effects of much weakening the present attractive visual link between the 2 terraces, and making the building appear rather incongruous.

9. Turning to the second matter I saw that, apart from the appeal property, the western end of Inverness Street and Gloucester Crescent is wholly residential in character. While there are commercial and other employment uses fronting Inverness Street between here and Arlington Road it is apparent from the kind of uses that activities associated with them are confined largely to normal working hours. Again, setting aside any effects of the existing restaurant, I would expect the area which I found to be quiet at the time of my late morning visit, to be even quieter during the late evening and in the early hours of the morning.

10. I am not aware of any restrictions applying to the present times of opening of the restaurant. It is also in my view to be expected that customers entering or leaving the restaurant would make noise. Because of the proximity of residential accommodation and the otherwise quiet character of the locality late at night and in the early hours of the morning it seems to me that such noise would cause disturbance to the occupiers of this accommodation. The adverse comments of local residents on the proposal confirms that this is the case. In these circumstances any proposal that is likely to increase this disturbance should be resisted.

11. I have no reason to question the stated intentions of your client with regard to the additional seating capacity he would create with the proposed extension. However circumstances may well alter in such a way to

change these and, of course, the business could change hands. In my view even comparing only the areas specifically indicated for dining the extension would permit the accommodation of considerably more than the roughly 7% stated. I consider therefore that the proposal would be very likely to lead to an appreciable and unacceptable increase in noise disturbance to the occupiers of nearby residential accommodation.

12. I conclude that the proposal would not preserve the appearance of this part of the conservation area and is very likely to be harmful to its present character and the amenities of nearby residents.

13. I have taken account of all the other matters raised in the representations but these do not affect the planning considerations leading to my decision.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



G CHAPMAN BSocSc DipTP MRTPI
Inspector