



Appeal Decision

Site visit made on 4 February 2008

by **J Chance** BSc DipTP MRTPI

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

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Decision date:
21 February 2008

Appeal Ref: APP/X5210/A/07/2057932

Royal Cafe, 102 Fleet Road, Camden, London NW3 2QX

- 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 Suleyman Hayirli against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/2952/P, dated 13 June 2007, was refused by notice dated 9 August 2007.
- The development proposed is described as "retrospective application for external roller shutter with internal shutter box".

Decision

1. I dismiss the appeal.

Procedural Matters

2. In view of the application description given above I shall treat the appeal as an application under Section 73A of the 1990 Act as amended for planning permission for development already carried out.

Main Issue

3. The main issue is the effect on the character and appearance of the host building, the streetscene and the surrounding area, part of which is within the Mansfield Conservation Area.

Reasons

4. At the time of my visit, the business, indicated as The Royal Café & Sandwich Bar, was open for trading and the roller shutter was not down. However, as the shutter box was still there, notwithstanding the Council's letter relating to enforcement action, I have no reason to believe that the roller shutter has been removed or is not being used when the premises is closed. Consequently, I shall assume that the shutter is the external micro perforation shutter shown in the appellant's photograph and on the application drawing.
5. The appeal premises lies within a parade of terraced properties with commercial uses at ground floor level and largely residential accommodation on the upper floors. Further along the block towards Byron Mews the ground floors are in residential use as opposed to commercial use.
6. The Council indicates that this side of Fleet Road is within the Mansfield Conservation Area. Policy B7 Part A of the adopted Camden Replacement

Unitary Development Plan (UDP) indicates that the Council will only grant consent for development in a conservation area that preserves or enhances the special character or appearance of the area. This is broadly in line with the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for special regard to be had to the desirability of preserving or enhancing the character or appearance of a conservation area.

7. UDP Policy B4 Part A deals with shopfronts, including security and other features, indicating that planning permission will only be granted for proposals which are of a high standard of design. Consideration of the design should, amongst other matters, take account of the relationship between the shopfront and upper floors of the building and adjacent buildings and the impact on public safety. The supporting text advises that security features should generally be internal and that solid shutters will not generally be acceptable.
8. UDP Policy B1 generally seeks to ensure that development is designed to a high standard. The quality and appropriateness of the detailing and materials used is one consideration within the assessment of design quality.
9. Policy SD1 Part D of the UDP requires development to incorporate design, layout and access measures which address personal safety, including fear of crime, security and crime prevention.
10. I have been referred to Supplementary Planning Guidance on Shopfronts within the document entitled "Camden Planning Guidance December 2006" (SPG), which the Council says was adopted following public consultation, and to which I ascribe significant weight. The section on Shopfront security and shutters indicates that the Council's preference is for security measures that do not require external shutters or grilles and that solid roller shutters will be resisted and will only be considered acceptable in exceptional circumstances.
11. The single roller shutter is shown to completely obscure the whole of the front window. At some 3.8m wide and 3m in height it is of considerable size. Even though it is perforated, because the perforations are small the shutter will, from a distance, appear to be solid metal. From my visit I was unable to tell whether the metal shutter had been painted grey, as mentioned in the appellant's Design and Access Statement.
12. Nevertheless, even if it has been painted grey, I consider that the shutter when down will still have a utilitarian appearance of solid metal, giving a stark, hard, industrial look to the ground floor of the building. Furthermore, I find that, in cutting out any visibility into the ground floor window and preventing any effective transmission of light through it, the shutter will have an overall deadening and darkening effect both in terms of its appearance and its impact on passers-by. This effect will be even more pronounced at night when I consider that it will appear somewhat threatening and contribute towards a hostile environment.
13. I have taken account of the appellant's comment regarding long opening hours. Nevertheless, I find that the installed shutter when in use will have a significant adverse visual impact on the character and appearance of the host building, the streetscene and this part of the Conservation Area. Its materials, design and overall appearance will relate poorly to the traditional materials of the upper floors of the building and the replacement of the daytime shopfront-type

of appearance of the premises by the deadening, solid, metal, roller shutter will be detrimental to the character and appearance of the building, terraced group of which it is part and the general surrounding area.

14. In addition, it will contribute towards a perception of an unsafe street which requires excessive security measures for the protection of property, thereby creating an impression for residents and passers-by that this is a hostile environment in terms of personal safety and fear of crime. Moreover, the appellant's photographs show that many of the solid shutters have attracted graffiti, which further promotes the perception of a threatening environment in terms of personal safety. In my opinion, therefore, the existing shutter is not suitable for this area with its mixed use character and large residential component, and is contrary to the intentions of UDP Policies B4 Part A, B1, B7 Part A and SD1 Part D.
15. The appellant has drawn my attention to other commercial premises in the area which have similar solid roller shutters. I understand from the Council that some of the examples quoted have been installed without the benefit of formal planning permission and are immune from enforcement action. Nevertheless, the presence of other similar unsuitable installations does not justify granting planning permission for this development, which I find to be harmful to the character and appearance of the host building, streetscene and surrounding area.
16. I saw that at least one property within this parade has an external metal grille over the shopfront window which provides protection whilst still allowing views through, as well as light to be transmitted. I understand that the Council considers security measures of this type to be acceptable in this area.
17. The appellant contends that the insurance requires shopfront and display windows to be covered by metal shutters. However, I note that the Council considers that shutters which have a primarily open design and roller grilles would satisfy that requirement and I see no reason why a non-solid shutter should not be capable of being padlocked and providing an adequate level of security to meet the insurance company's security stipulation. Consequently, while I am willing to accept that the security risk to the appellant's property is such that some form of security is necessary, I am not convinced that there are exceptional circumstances which would justify the installation of only a solid metal shutter.
18. I therefore conclude that the shutter as installed will harm the character and appearance of the host building, the streetscene and the surrounding area, and is therefore unacceptable. I further conclude that it conflicts with the SPG, UDP Policies B4 Part A, B1, B7 Part A and SD1 Part D, as well as with national policy objectives to preserve or enhance the character or appearance of a conservation area. The appeal therefore fails.

Other Matters

19. Although the Council has referred me to another appeal decision for a property in York Rise, I have determined this appeal on its own merits by reference to the development plan and find it to be unacceptable for the reasons given.

J Chance

INSPECTOR