



Appeal Decision

Site visit made on 15 March 2005

by **Philippa Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

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Appeal Ref: APP/X5210/A/04/1163975

14 and 14A Charlotte Street, London, W1P 1HE

- 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 Mr. Ekkachai Somboonsarn against the decision of the Council of the London Borough of Camden.
- The application (Ref.2004/0136/P), dated 28 December 2003, was refused by notice dated 15 July 2004.
- The development proposed is renewal of shopfronts of no. 14 and renewal of canopy cover of no. 14A.

Summary of Decision: The appeal is dismissed.

Procedural Matter

1. It is clear from the Council's decision and statement that their objections relate only to the shopfronts; therefore I shall deal with it on that basis. There is no objection to the renewal of the canopy cover to 14A and I am satisfied that this element would be acceptable.

Main Issues

2. I consider there are two main issues. They are the effect of the proposed shopfronts on:
 - The character or appearance of the Charlotte Street Conservation Area.
 - The living conditions of the occupiers of nearby residential properties in relation to noise and disturbance.

Planning Policy

3. The development plan includes the London Borough of Camden Unitary Development Plan, (UDP), 2000. Policy EN31 seeks to ensure that development in conservation areas preserves or enhances their special character or appearance and that it is of high quality. Policy EN34 relates to shopfronts in conservation areas and seeks to resist the removal or unsympathetic alteration of shopfronts that make a positive contribution to the character or appearance of the area; where new ones are proposed it seeks to ensure a high standard of design, detailing, execution and materials which accord with the special characteristics of the building and preserves or enhances the conservation area. Policy EN5 seeks to limit the impact of noise generating uses. Policy RE2 seeks to ensure that development does not have an adverse impact on residential amenity. Policy SH18 is also referred to but as this relates primarily to changes of use to A3, I do not consider it to be relevant.

4. I have been referred to two items of Supplementary Planning Guidance, (SPG). The first is entitled "*Charlotte Street Conservation Area*", 1996. Shopfronts are expected to respect the proportions, rhythm and form of the original frontages. It identifies 14 Charlotte Street as a building of local interest although the shopfront is not considered to be of merit. The second is entitled "*Shopfronts*", 2002. This provides design guidance on shopfronts and other additions, such as blinds. In relation to folding shopfronts, it states that these are not generally acceptable because of the erosion of the shopfront appearance in their open position and their appearance as a row of doors rather than a conventional shopfront. These documents have been the subject of public consultation and formal adoption by the Council therefore I can afford them significant weight.

Reason – effect on the character or appearance of the Charlotte Street Conservation Area

5. The appeal site is located on a prominent corner location at the junction of Charlotte Street and Windmill Street in the heart of a busy mixed use area. There are many restaurants on the ground floor of premises in the vicinity of the appeal site but there are also a variety of shops and other related services; there is a hotel opposite the site on Charlotte Street. Upper floors are a mixture of uses including offices and residential. Charlotte Street Conservation Area is centred on this shopping street but also incorporates adjoining and nearby streets running parallel to it; the area is characterised by older terraced properties which are typically shops or restaurant type uses on the ground floor with various uses above. The smaller streets linking the main routes offer slightly more seclusion and quiet from the more bustling main streets.
6. On my site visit I noted that the restaurants in the vicinity of the appeal site, many of which are referred to by the appellant, occupy a mixture of building type and age. The existing shopfronts at the appeal premises consist of single large paned panels extending up to the lower edge of the fascia with stallriser below to both the Charlotte Street and Windmill Street frontages. Whilst it is not identified as a shopfront of merit in the Conservation Area SPG, it blends in with the general character of the area.
7. The proposed new fully opening shopfronts would result in a complete change to the appearance of these prominent corner premises. The overall proportions of the existing shopfronts would be altered; whilst the stallriser would be maintained at its present depth, its external appearance would change through the introduction of the additional vertical elements of the door edges. The shop window itself would be divided by a number of vertical elements, which although not uncharacteristic of traditional shopfronts, would in my view, result in an over-fussy appearance with the vertical elements of the door edges being thicker than would be the case with a traditional mullion. In addition, the whole shopfront appearance would be lost when the doors are in the fully open position. I therefore consider that the proposal would not accord with the special characteristics of the building and would not respect the relatively simple proportions and form of the frontage.
8. The appellant refers to a number of other shopfronts in the area which are argued to be similar in terms of their design and appearance. I saw many of them at the time of my site visit. However, I do not consider any are directly comparable to the appeal premises. Whilst many of them occupy Charlotte Street frontages, some in locally listed buildings, none are in my view as prominent as the appeal premises and do not therefore have the same impact. The fact that other similar developments elsewhere have been permitted does not provide justification for this proposal which must be considered on its merits.

9. For the above reasons, I find that the proposal would not comply with UDP policies EN31 and EN34 and would conflict with the advice in both SPG documents. I conclude that the proposal would fail to preserve or enhance the character or appearance of the Charlotte Street Conservation Area.

Reason – effect of the proposal on the living conditions of the occupiers of nearby properties in relation to noise and disturbance

10. There are residential properties directly above the appeal premises and others in close proximity to the appeal site. The area is mixed in character with a large number of restaurants, which are likely to result in noise and disturbance till fairly late at night.
11. I consider that when the shopfronts are fully open it is likely that noise from the restaurant would be more easily heard by the occupiers of the properties immediately above and adjacent to the appeal premises. This would in my view, notwithstanding the general level of noise in the area, result in disturbance to those properties. However, this could be minimised through the use of a condition to control the times at which the shopfront would be open, in particular restricting its use in the evening when people are more likely to be at home and when such uses are potentially most lively.
12. I consider therefore, that subject to the imposition of an appropriate condition, the proposal would not conflict with UDP policies EN5 and RE2. I therefore find that the proposal would not have a harmful impact on the living conditions of the occupiers of nearby properties in relation to noise and disturbance.

Conclusions

13. Overall, I find that whilst there would be no harm to the living conditions of the occupiers of nearby premises, this is outweighed by the harm caused to the character and appearance of the Charlotte Street Conservation Area. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.



INSPECTOR