



Appeal Decision *DISMISSED*

Site visit made on 24 September 2002

by **Paul V Morris DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

22 OCT 2002

Appeal Ref: APP/X5210//02/1088972

16-20 Parkway, Camden, London

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Carnaby Clothing Co Ltd against an enforcement notice issued by the London Borough of Camden Council.
- The Council's reference is EN010723.
- The notice was issued on 19 March 2002.
- The breach of planning control as alleged in the notice is, without planning permission, the installation of two roller-shutter blinds.
- The requirement of the notice is that the two roller-shutter blinds are to completely and permanently removed from the premises.
- The period for compliance with the requirement is 2 months.
- The appeal is proceeding on grounds (a) and (f) as set out in section 174(2) of the 1990 Act. The appellant is deemed to have made an application for planning permission for the development to which the notice relates by virtue of s.177(5) of the 1990 Act.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Procedural matters

1. The accompanied site visit had been arranged for 24 September 2002. No representative of the appellant company was present and I was not able to contact any representative. The alleged development was on the frontage of the premises on Parkway and so I carried out the site visit.
2. The appellant company was informed by the Planning Inspectorate that I proposed to proceed with the decision on the basis of the written representations and my site visit. There has been no response from the appellant company.

Planning policy and the main issue

3. The Council's Unitary Development Plan (UDP) was adopted in 2000. Policy EN1 seeks to ensure that development generally protects the quality of the environment; EN4 seeks to provide safe and attractive public spaces; EN13 encourages high standards of design and EN14 requires that development should be sensitive to its surroundings; EN29 deals specifically with proposals for shopfront shutters; EN31 sets out the requirements for development in Conservation Areas. In addition, there is approved Supplementary Planning Guidance on shopfront security.
4. The main issue in the appeal is the effect of the development on the local street scene, bearing in mind that the premises are in the Camden Town Conservation Area.

Reasons

5. When I visited the site, a roller-shutter was in place on the part of the premises, which now seems to be used as a store, nearest the Odeon Cinema. The other 2 parts were open for business as a newsagent/general store and a video shop. I was therefore able to see the roller-shutter in use, if only in part. Although the shutter has pin hole perforations, it has the general appearance of a solid screen.
6. The total frontage of the appeal premises is a substantial part of the local street scene. The shutters across the whole frontage will result in a harsh, monotonous façade along a considerable length of the street. The blank, grey metal appearance of the shutters will be in sharp contrast to the interest created by the shop windows and their retention would, in my view, cause significant harm to the appearance and attractiveness of the street.
7. The Council pointed out that Parkway has been designated a Neighbourhood Centre in the UDP and that, in recent years, a great deal of effort has been put into maintaining and upgrading this area as part of a wider scheme for the whole of the Camden Town Major Shopping Centre. This has included improving the amenity and appearance of the area. Parkway itself has a wide range of different businesses, including the cinema next door to the appeal premises and shops and cafes, many of which will be open through the evening. Generally, the street looked busy and lively and I gather from the Council's representations that this is the kind of character which it is keen to preserve and encourage.
8. The appellant company expressed its understanding of the Council's approach to shutters but the overriding need was to protect the business from vandals. The shutters have been installed purely for security, as a window was damaged some months ago, and roller shutters are essential to keep insurance premiums affordable. There is an obvious risk to the premises because of the street crime in the area.
9. I fully appreciate the problem of vandalism and the Council has sought to address this in its approved Guidance on shopfront security which suggests alternative ways of protecting shops whilst discouraging solid roller shutters. I accept that there are other roller shutters in use on Parkway but these examples indicate the need for control in order to safeguard the appearance and vitality of the shopping area in line with the Council's policy EN29 and the Council's initiatives mentioned above.
10. The test for the acceptability of development in a Conservation Area, as set out in s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is stringent. Because of its detrimental effect on the street scene, I find that the development makes no contribution to preserving or enhancing the character or appearance of the Conservation Area, as required by the statutory provisions and the Council's Policy EN31.

Ground (f)

11. Although an appeal on ground (f) was not indicated on the appeal form, the Council noted that the appellant's accompanying letter raised the point that leaving some lights on at night might make the area look brighter. I understand from the Council's representations that the issue of lighting was investigated by the Council but there was no satisfactory conclusion.
12. As far as this appeal is concerned, and taking into account my findings on ground (a), the step required to be taken does not exceed what is necessary to overcome the objections to

this development arising from the injury to local amenity. The appeal on ground (f) therefore fails.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I consider that the appeal should not succeed.

FORMAL DECISION

14. In exercise of the powers transferred to me, I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector