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Director of
Planning & Communications

RV/P

N14/17 X/A/13017



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LONDON WC1V 6HR

Your reference
KGRB/-
Our reference
T/APP/4403/A/68780
Date

11 AUG 1972

Sir

TOWN AND COUNTRY PLANNING ACT 1971

1. I refer to your appeal under section 36 of the Town and Country Planning Act 1971 against the decision of the Council of the London Borough of Camden to refuse planning permission for the change of use from retail shop to office and installation of a new shop front at shop unit 42A Brunswick Centre WC1. The determination of this appeal falls to me by virtue of Schedule 9 to the Town and Country Planning Act 1971 and the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) regulations 1970. I have considered all the written representations made by you and by the council. I inspected the site on Monday, 31 July 1972.

2. Your original application for planning permission referred only to "shop fitting" but, at the suggestion of the council, the application was subsequently amended to "Change of use from retail shop to office and installation of a new shop front at shop unit 42A Brunswick Centre WC1". It was on this basis that the application was considered and it is on this basis that I have considered your appeal.

3. In my view the decision in this case depends on whether the office use proposed would be contrary to the character of the residential and shopping complex, the first part of which has but recently been completed.

4. The shop units so far taken up and occupied include a large supermarket (occupying several units), licensed premises, a "botting shop", a "Wimpy Bar", a restaurant and, at the Marchmont Street end of the arcade in which the appeal premises are situated, a ladies' and gentlemen's hairdresser.

5. From my observations during the site inspection it seemed to me that this secondary means of access to the main shopping area was already well used; not only by shoppers going to the supermarket but also by people who found it a convenient means of getting from the west, ie Marchmont Street, side of the development across the shopping area and through the main access to Hunter Street and Brunswick Square on the east side, and vice-versa.

6. It is my opinion, therefore, that this arcade is already becoming a well known pedestrian route and that the presence there of a small office occupying a single shop unit would have little, if any, effect on the character or success of the shopping precinct as a whole. Moreover, the proposal envisages a simply-designed display window and entrance which would not break the continuity of the shopping frontage along that side of the arcade.

PLANNING AND COMMUNICATIONS	
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J. J. J.

7. The area of office space involved is, in my view, far too small to have any material effect on the office policy contained in the Initial Development Plan. I have also considered the other matters raised in the representations but find them to be of insufficient weight to affect my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and grant planning permission for the change of use from retail shop to office and the installation of a new shop front at 42A Brunswick Centre WC1 in accordance with the terms of the application dated 25 February 1972 (as amended) and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 31 August 1977.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



CHARLES HILTON BA RIBA FRTP
Inspector

Department of the Environment
2 Marsham Street, London SW1P 3EB.

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971.)

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1969 (SI 1969 No 1092), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1968 (SI 1968 No 1952), which relate to the procedure on appeals transferred to Inspectors.

The right to make an application under section 245 as a "person aggrieved" is limited to the appellant or applicant (as the case may be) and persons whose legal rights have been infringed. The local authority who are directly concerned with the case are given a similar right of appeal.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.