



Appeal Decision

Site visit made on 18 May 2012

by **Andrew Dale BA (Hons) MA MRTPI**

Date **8 June 2012**

Appeal ref: APP/X5210/C/11/2167072
245 Royal College Street, London NW1 9LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the Council of the London Borough of Camden.
- The appeal is made by Mr Ganeswaran Velautham.
- The Council's reference is EN11/1032.
- The notice was issued on 22 November 2011.
- The breach of planning control as alleged in the notice is: "Without planning permission: The unauthorised creation of an open basement lightwell in front of the property and the installation of unauthorised recessed elevational treatment at ground floor level comprising brickwork, a single sash window and door."
- The requirements of the notice are: "Permanently cover the unauthorised open front basement lightwell with paving and 3 domed rooflights (as approved on drawings PL/VP/1827/RCS/02D, 04D and /05D under permission 2010/6105/P). Remove the recessed bricked front elevation with door and sash window and replace with a non recessed timber and glazed shopfront, with timber entrance door and fanlight above (as shown on drawings PL/VP/1827/RCS/02D, 04D and /05D as approved under permission 2010/6105/P)."
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174 (2) (a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177 (5) of the Act as amended also falls to be considered.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177 (5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. Reading the reasons for issuing the notice and the written representations before me, I consider the main issue to be the effect of the development on the character and appearance of the host building and the Jeffrey's Street Conservation Area.
3. My decision is firmly based on the most relevant policies of the development plan which includes the Camden Core Strategy 2010-2025 and the Camden Development Policies 2010-2025; Policy CS14 from the former and Policies DP24, DP25 and DP27 from the latter, between them, seek to promote high

- quality places, secure high quality design, conserve Camden's heritage and ensure that proposals for basements and light wells are suitable.
4. I have noted the Jeffrey's Street Conservation Area Statement (CAS) and the Camden Planning Guidance – "*Design*" (CPG1) and "*Basements and lightwells*" (CPG4). Another material consideration is the National Planning Policy Framework (NPPF); its policies have been considered but in the light of the facts in this case they clearly do not override the local planning policy context.
 5. No. 245 is a three-storey over basement, mid terraced residential property situated on the western side of Royal College Street to the south of its junction with Ivor Street. The presence of a fascia and pilasters indicates that the original use of the ground floor may have been as a shop. The CAS states that "The distinct quality of Jeffrey's Street Conservation Area is that it largely retains its Georgian character." The buildings along the western side of Royal College Street that run from Jeffrey's Street to Camden Road Station were built in the 1790s and early 1800s like most of the conservation area. The buildings are predominantly in commercial use at ground floor level and many still have shopfronts.
 6. The group of buildings to the north of the junction with Ivor Street (nos 253-273 odd Royal College Street) all have basements visible through light wells behind railings apart from No. 253. However, the CAS refers to an absence of light wells in the group to the south of Ivor Street (nos 225-249 odd Royal College Street). Setting aside the appeal property, that reference is correct apart from the light well at No. 241. The CAS goes on to identify both groups of buildings as unlisted buildings which make a positive contribution to the special character and appearance of the conservation area. The CAS reports that along Royal College Street a number of the old shopfronts have been spoilt by a variety of features including the use of solid brick infill treatments.
 7. The subject open basement light well and recessed elevation treatment at ground floor level broadly replicate the external appearance of No. 241. The Council says that the works to No. 241 were carried out pursuant to a planning permission granted in 1987 before the current development plan and before this side of Royal College Street was included within the conservation area in 2002. The appearance of No. 241 deviates markedly from the remainder of this group of buildings. It is not a good example to follow. Paragraph 24.13 of the Camden Development Policies document says that "Past alterations or extensions to surrounding properties should not necessarily be regarded as a precedent for subsequent proposals for alterations and extensions."
 8. The group of buildings to the south of the junction with Ivor Street, when seen as a whole, retain a simply unity; this provides the street scene and townscape with a distinctive character and a uniform pattern. Apart from No. 241, a clear junction between the front walls and the narrow forecourt areas is part of the uniformity as is the lack of recessed front wall planes at ground floor level.
 9. The open light well at the appeal site results in an expanse of the building's front wall visibly extending down below street level. In this group of buildings, where open light wells do not form an integral part of the established character, such an alteration appears incongruous. The ground floor front elevation is set back behind the shopfront at No. 243 and the front wall of the

residential property at No. 247. The retained fascia and pilasters draw attention to the degree to which the ground floor wall is recessed. This element of the unauthorised development strikes a further discordant note and is an inappropriate alteration, especially bearing in mind the original shopfront, like many of the shopfronts in the street, projected forward of the upper floors. The development as a whole is not of the highest standard of design; rather it harms the character and appearance of the host property.

10. Notwithstanding the presence of a bus shelter on the footway outside the appeal property, the development is very prominent in the street scene in a variety of views. By paying little attention to the overall, prevailing design culture which is clearly evident in this group of buildings to the south of the junction with Ivor Street, I also consider that the development fails to preserve or enhance the character or appearance of the conservation area.
11. The application (ref. 2007/5341/P) submitted in 2007 is of limited significance as it was subsequently withdrawn. In any event, the Council has submitted evidence to show that the scheme it was minded to approve had been amended so as to bring the ground floor front elevation forward to the position of the original shopfront. Under application ref. 2010/6105/P, after negotiations a scheme was approved which would see the light well covered at forecourt level apart from three domed lights and the ground floor front elevation brought forward to the position of the original shopfront. The inclusion of a shopfront style timber window to the ground floor front elevation was also part of that approved scheme. The approved physical arrangements would complement the building, the street scene and the conservation area.
12. There is no compelling evidence that the current living conditions for the basement occupiers are to be preferred to those that would exist if the three domed lights were installed. The existing basement window has been covered in obscure film. I note the plans approved under ref. 2010/6105/P provided for a pair of doors and a single door to the basement; those doors could be designed to allow for the penetration of daylight into the kitchen/dining space.
13. I conclude on the main issue that the development harms the character and appearance of the host building and the Jeffrey's Street Conservation Area, contrary to the objectives of the relevant development plan policies, the CAS, CPG1 and CPG4. Whilst the extent of harm to the significance of the designated heritage asset – the conservation area – would be less than substantial as set out in paragraph 134 of the NPPF, I find that the harm is not outweighed by any public benefits arising from the development.
14. There is conflict with the development plan. In the written representations, I find no material considerations of sufficient weight to justify the grant of planning permission. For the reasons given above and having regard to all other matters raised, including the two dismissed appeals at other properties in this conservation area referred to by the Council, I conclude that the appeal on ground (a) should not succeed. Thus, planning permission will not be granted.

Andrew Dale

INSPECTOR