
Appeal Decision

Site visit made on 17 November 2015

by J R Bell-Williamson MA MRTPI

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

Decision date: 08 December 2015

Appeal Ref: APP/X5210/Z/15/3026374

22 Heath Street, Camden, London NW3 6TE

- 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 Shanker Patel (Carboclass) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/7805/P, dated 18 December 2014, was refused by notice dated 6 March 2015.
 - The development proposed is alteration to existing shopfront.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the application form is 'alteration to existing shopfront, new fascia signage, new projecting sign'. However, the Council granted consent for the two signs separately from consideration of the shopfront alterations (under Ref. 2015/0047/A). Consequently, this appeal only concerns the shopfront alterations and the amended description of development in the above heading reflects this.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

4. The Hampstead Conservation Area covers Hampstead village and surrounding areas. Heath Street is a main shopping street within the centre and comprises predominantly retail and commercial premises at street level, with buildings displaying a range of architectural styles.
5. The proposal involves moving the shop entrance from its current position at the side of a recessed lobby to be forward-facing and level with the front elevation. Separate entrance is gained to the upper floors above the shop through the lobby, the size of which would be reduced as part of the proposal.
6. Policy CS14 in the Council's Core Strategy and Policies DP24 and DP25 in its Development Policies document, provide a broad context for consideration of the proposal. These policies require high quality design in new development as well as protection and enhancement of Camden's heritage, including conservation areas. Policy DP30 concerns shopfronts and sets out a number of

criteria that should be taken into account in considering proposals for shopfront development. These include design issues, the existing character of the building and shopfront, and the general characteristics of shopfronts in the area. The Council also refers to guidance in *Camden Planning Guidance 1* (CPG1) concerning shopfronts. While this is not mentioned in its decision notice it is considered in some detail in the officer's report that informed the decision and, therefore, I have also had regard to it, particularly as it provides guidance in support of Policy DP30.

7. Properties in this part of Heath Street are predominantly four storey terraces, which display many original architectural features above street level. The most significant evidence of changes to these properties, however, is at street level where there is a mix of modern designs and original shopfronts. There are two other properties in the vicinity of the appeal property, Nos 32 and 34, which have the same original lobby and recessed door design to one side. Other properties, such as the neighbouring estate agent at No 20, are of more modern design and similar to the current proposal.
8. The new shopfront would include a similar timber stallriser to the original, a simplified glazing pattern and a new timber-framed glazed door to the front right hand side. Guidance in CPG1 says that the design of the door should be in keeping with the other elements of the shopfront. I agree with the Council in this regard that the proposal fails to comply with this guidance as the door frame would be considerably wider than the shopfront frames and its solid sections would not align with the height of the stall riser. This would result in an incongruous and incoherent whole with features that would be contrary to the general provisions of the development plan policies referred to above to promote good design.
9. I acknowledge, however, that there are a number of other examples of similar designs to the proposal and that a mix of modern and original shopfronts is part of the existing character and appearance of this part of the conservation area. In addition, the appellant draws attention to the fact that several shopfronts in Heath Street are identified in the *Hampstead Conservation Area Statement* as 'Shopfronts of Merit', but No 22 is not one of them.
10. I note the significance that the appellant places on this fact and that Policy DP30 also points to Conservation Area Statements as an important consideration in assessing proposals for shopfront development. However, No 22 is part of a conservation area, which is a designated heritage asset. As such, there is a statutory requirement in exercising planning functions in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area¹. The fact that No 22 is not identified as a Shopfront of Merit does not alter this requirement.
11. Moreover, the proposal must be considered against statutory provisions, development plan policies and relevant guidance as a whole. In this regard, I note that the Guidelines section of the Conservation Area Statement says that any shopfront of historic interest or architectural quality should be retained and if necessary repaired and the loss of those shopfronts identified under Shopfronts of Merit and any other historic/original shopfront will be strongly resisted (H37, pages 63 and 64). More generally, CPG1 says that where there

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

is an existing shopfront recess – often found in older traditional shopfronts – they should be retained (paragraph 7.12, page 64). Therefore, while I give some weight to the fact that No 22 is not identified as having particular merit relative to some other shopfronts within the conservation area, this must be balanced against other elements of guidance that place an emphasis on the importance of retaining original shopfronts as in this case.

12. I have found above that the mix of original and modern shopfronts is part of the existing character and appearance of this part of the conservation area; and that the proposed design of the new shopfront would be harmful. Despite the fact that No 22 is not identified as a shopfront of merit compared to some others, it is one of a limited number of an original shopfront type that is recognised in guidance as warranting retention. Acknowledging the purpose of this guidance, I consider that the incremental loss of original shopfronts such as No 22 over time will erode the mixed character and appearance of the conservation area, giving it a greater uniformity of appearance.
13. Therefore, for these reasons, I consider that the proposal would result in a harmful effect on the significance of a heritage asset, but I agree with the appellant's contention that this would be less than substantial harm. In these circumstances, the National Planning Policy Framework (the Framework) requires the public benefit of the proposal to be weighed against the harm (paragraph 134).
14. The appellant considers that there will be a number of benefits arising from the proposal. These include more suitable wheelchair access and for pushchairs; a better utilisation of space and a more practical arrangement for servicing and deliveries to the shop; and addressing anti-social behaviour that has occurred in the lobby area. I have had full regard to these matters and acknowledge the importance particularly of accessibility as an element of good design that is also a requirement of national and local policies, and the importance of reducing crime through design measures.
15. Nonetheless, I agree with the Council that there is no evidence to suggest that the accessibility objectives could not be achieved through widening the entrance in its current position whilst retaining the integrity of the original shopfront design; and that the lobby would remain, albeit in a smaller form, so the effect on potential anti-social behaviour would be negligible. While I acknowledge the practical benefits of a front-facing door, these matters are not sufficient to outweigh the harm that would result to an important feature within the conservation area. Therefore, for these reasons, I consider that the significance of these benefits individually and as a whole do not outweigh the permanent harm that would be caused to a designated heritage asset.
16. Accordingly, for all the above reasons, I conclude that the proposed development would have an unacceptably harmful effect and so would not preserve the character and appearance of the Hampstead Conservation Area. As such, it would be contrary to the development plan policies referred to above, to the *Hampstead Conservation Area Statement* and to CPG1.
17. I note that the Core Strategy and Development Policies document were adopted in 2010. I consider that the substance of the relevant policies is consistent with the Framework and I give them substantial weight in this case.

Conclusion

18. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

John Bell-Williamson

INSPECTOR