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# Appeal Decision

Site visit made on 5 January 2016

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 18 February 2016

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**Appeal Ref: APP/X5210/C/15/3128796**

**Land at the former Murray Arms, 25 Agar Grove, London NW1 9SL**

- 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 Mr Ansar Hussain against an enforcement notice issued by the Council of the London Borough of Camden.
  - The notice was issued on 22 May 2015.
  - The breach of planning control as alleged in the notice is without planning permission, the installation of new fascia band and soffit, replacement of bi-fold timber doors with metal sliding doors and installation of pin-hole roller shutter.
  - The requirements of the notice are to:
    - (1) Remove the fascia band and associated soffit and make good any damage to the building.
    - (2) Remove the roller shutter and shutter box and associated fixtures and fittings and
    - (3) Remove the sliding doors and reinstate timber bi-fold doors to match the original doors.
  - The period for compliance with the requirements is six 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.
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## 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.

## Main Issue

2. The site is situated within the Camden Square Conservation Area (CA). The main issue is whether the development preserves or enhances the character or appearance of the CA.

## Reasons

3. Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2010-2025 (CS) sets out the approach to promoting high quality places and conserving the borough's heritage. Among other things, the Council will ensure that places and buildings are attractive by preserving and enhancing the rich of diverse heritage assets including CA's. Policy DP24 of the Development Policies 2010-2025 (DMP) seeks to secure high quality design and policy DP25 relates to development in CA's. The cited policies are broadly consistent with advice found in paragraphs 17, 56, 126, 128 and 131 of the National Planning Policy Framework.
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4. The significance of the heritage asset is derived from its historic and architectural interest. The character of the CA is defined by the external appearance and location of buildings. This part of the locality is characterised by rows of terraced dwellings arranged around a tight network of streets.
5. No. 25 is situated on a junction where Agar Grove meets Murray Street and St Augustine's Road. It is a former Public House converted into a retail outlet. It sits in a block of similarly designed properties with commercial space on the ground floor and residential above. No. 25 is a four storey corner building and its distinctive fenestration detail and mansard roof makes it a landmark. In my assessment, the building makes a positive contribution to the special architectural and historic interest of the CA.
6. The Appellant has a franchise with national retail chain *Nisa Local*. It is contended that the company dictates the design of its external shop front. However, the external elevation to no. 25 has been painted in white interposed by advertisements. A fascia band and soffit advertising *NisaLocal* has been installed just beneath the sill of the first floor windows; it includes externally mounted lighting for illumination. Metal sliding doors replace the original bi-folding timber doors, and I saw that a pin-hole roller shutter has been installed to secure the main entrance. I agree with the Council that the nature of these alterations obscure and significantly alter the refined proportions of the original facade.
7. The new fascia band and soffit, metal doors and pin-hole roller shutter combined with its housing box are utilitarian in appearance. The resulting facade fails to successfully integrate with the traditional architectural style of the building due to the colour, texture and shiny metal type material used in the fascia band. The metal doors have replaced timber doors and fanlight and these alterations result in a shop front that is unsympathetic to the original facade and built form of the main building. The roller shutter design and main entrance location prevents natural surveillance, creates a hostile and is unattractive. In my view, the development has a significant adverse visual effect on the external appearance of the building and block.
8. The appeal building is prominently located because of its corner positioning. The alterations to its external appearance draw the naked eye given the type of material used for the new fascia band and soffit, metal doors and pin-hole roller shutter. I consider that the development does not reflect the prevailing historic characteristics of this part of the CA. I find that the development causes harm to the visual appearance of the appeal building and fails to preserve the character and appearance of the CA.
9. For the reasons given above, I find that the development conflicts with the design and historic environment protection aims of CS policy CS14, DMP policies DP24 and DP25. In the terms of the Framework, the harm caused to the significance of the CA is less than substantial. There is, however, real and serious harm which requires clear and convincing justification.

#### **Other considerations and conclusion**

10. It may be the case that corporate branding is required to meet franchise agreement. I am not persuaded that the type of material used in the new fascia band and soffit and design of the metal sliding doors and pin-hole roller shutter is the only design solution.

11. The roller shutter is required for security purposes and is only used when the retail outlet is closed, but it creates a dead frontage. The main entrance doors allow easy access and metal is long lasting. Nevertheless, their design and appearance is at odds with the traditional timber bi-folding doors.
12. In balancing the various considerations, I consider that any benefits of the development are insufficient in this instance to outweigh the considerable importance and weight that is attached to the harm to the heritage asset.
13. Accordingly, the development conflicts with CS policy CS14, DMP policies DP24 and DP25, and advice found in paragraphs 17, 56, 58, 61, 69, 132 and 134 of the Framework.
14. For all of the above reasons, and having considered all other matters, I conclude ground (a) should not succeed and planning permission is refused on the deemed application. I have upheld the enforcement notice.

*A U Ghafoor*

Inspector