

Enforcement Delegated Report

Receipt date:

08/02/2016

Officer

John Sheehy

Enforcement Case

EN16/0108

Breach Address

21 - 22 Chalk Farm Road,
London,
NW1 8AG

Photos & Other material

PO 3/4

Area Team Signature

C&UD

Authorised Officer Signature



Alleged Breach

Removal of shopfront at no.21 Chalk Farm Road.

Recommendation:

Issue an Enforcement Notice

Priority:

P3

Site Description

The site comprises two adjoining three-storey nineteenth-century terraced properties located on the north side of Chalk Farm Road opposite the Stables Market in Camden Town Centre. The basement and ground floors of the properties are in use as a Class A3 restaurant, Bird. The upper floors are in residential use.

The remainder of the terrace has commercial uses at ground level, principally retail and restaurant use, and flats above.

The properties are not listed and are not located in a conservation area.

Investigation History

Recent planning decisions:

October 2015: Planning permission granted for alterations to shopfronts, including installation of awnings, ref. 2015/5347/P.

December 2015: Planning permission refused for alterations to shopfronts, including removal of recessed door and doorway (at no.21) and replacement with new glazed panel & stallriser, and installation of awnings, ref. 2015/6253/P.

Reason for refusal:

The proposed removal of the recessed door to no. 21, would not respect the distinctive character and appearance of the shopfronts and would disrupt the existing balance and relationship between the pair, harming the character and appearance of the shopfronts and host building, the parade of shopfronts within the terrace, and the wider street scape, contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP30 (Shopfronts) of the London Borough of Camden Local Development Framework Development Policies 2010.

Investigation:

February 2016 Complaint received.

March 2016 Visit by Site Inspector; case passed to enforcement officer.

June 2016 Officer visited site and wrote to the planning agent advising that an Enforcement Notice was to be issued as the works carried out had been refused under 2015/6253/P.

July 2016 Officer met planning agent and restaurant owner on site. Drawings for a variety of options

for door treatment were subsequently submitted. However, none of the proposed layouts involved reinstatement of the door recess. The officer confirmed that an Enforcement Notice would be issued.

Relevant policies / GPDO Category

National Planning Policy Framework 2012

Paragraphs 14, 17, 56 -67, 126 -141

London Plan March 2015, consolidated with alterations since 2011

Policies 7.4, 7.6 and 7.8

LDF Core Strategy and Development Policies 2010

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

DP30 (Shopfronts)

Camden Planning Guidance

CPG1 (Design) 2015 – chapter 7 (shopfronts)

CPG6 (Amenity) 2013 – chapters 6 (daylight and sunlight), 7 (overlooking, privacy and outlook), and 9 (access for all)

Assessment

Background and policy context

Development Policy DP30 (shopfronts) of the LDF Development Policies 2010 states that the Council will expect a high standard of design in new and altered shopfronts. In assessing works it will consider the existing character of the building, its architectural and historic merit as well as the general characteristics of shopfronts in the area. It advises that *"where an original shopfront of architectural or historic value survives, in whole or in substantial part, there will be a presumption in favour of its retention"*.

As a general characteristic it is noted that the area surrounding the site is characterised by fine-grained development, both on the residential side streets and on Chalk Farm Road itself with buildings dating mainly from the nineteenth century. Properties are generally on long, narrow plots. Few of them have been knocked through and the vast majority have a separate individual shopfront.

The fine grain of the terrace continues a pattern that can be observed in the nearby Harmood Street Conservation Area. Within the Regents Canal CA opposite, the Grade II listed Stables Market is a large urban block enclosed by a high wall along Chalk Farm Road. The setting of this famous market is enhanced by the contrast in grain with the nearby streets.

Camden Planning Guidance 1 (CPG1) advises that *"well designed shopfronts increase the attractiveness of a building and the local area and can have an impact on commercial success by increasing the attraction of shops and shopping centres to customers"*. This is particularly important in town centres and it is noted that the host property is located within Camden Town Centre.

The guidance also states that *"historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained"*. Although the shopfronts subject to this report are not listed and do not sit within a conservation area, the guidance is not exclusive to properties that fall within these categories and there is a presumption to protect all shopfronts that may be considered of value.

The guidance advises more specifically that:

"Where there is an existing shopfront recess - often found in older traditional shopfronts e.g. listed buildings and conservation areas - they should be retained". (p.64)

While acknowledging that the advice of CPG1 above uses listed buildings and conservation areas as examples, the guidance is not exclusive to properties that fall within these categories and places an

emphasis on the importance of retaining all traditional style shopfronts.

Prior to the unauthorised works at no 21, both shopfronts, at nos. 21 and 22, were considered to be of merit and good examples of traditional styles, contributing strongly to the terrace in which they sit, as well as the wider locality. As such the Council sought to retain them and refused permission for application 2015/6253/P.

Assessment

The properties 21 and 22 Chalk Farm Road are highly prominent and visible due to the layout of the terrace and the heavy vehicular and pedestrian traffic that Chalk Farm Road experiences. As noted above, the properties date from the 19th century and are period buildings within a continuous terrace. They face the Grade II listed Camden Stables Market which stands on the other side of Chalk Farm Road within Regents Canal Conservation Area.

Each unit along this commercial parade has a separate identity due to variations in the finish and appearance of the different shopfronts. This adds variety and character to the parade, however in spite of these variations there is one common characteristic, which has been referred to above, namely that all of the properties contribute to the fine-grained character of the terrace as a whole. Even number. 27-8, with its double shopfront, has two doors to the restaurant, as well as a recessed entrance serving the flats above. The surrounding area is characterised by fine grained development both on the residential side streets and on Chalk Farm Road itself.

Prior to the unauthorised works, the subject property retained this fine-grained character with both shopfronts retaining a traditional appearance as two separate units (with no. 21 on the right and no. 22 on left as one faces the property). In this regard, the recessed doorway at no. 21 provided an important distinguishing characteristic. The unauthorised works have harmfully removed this historic feature: the works undermine the legibility of the property as it sits within the terrace. They also harm the appearance of the terrace as a whole where each individual property makes a contribution to its character by virtue of its separate identity.

Conclusion

The unauthorised works that have been carried out do not respect the distinctive character and appearance of the shopfronts both as a pair and as a separate shopfront (no. 21). The removal of the doorway recess has harmed the fine-grained character of the parade of shopfronts within the terrace and the wider area contrary to policies CS14, DP24 and DP30.

Recommendation: The Head of Legal Services shall be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Removal of shopfront at no.21 Chalk Farm Road.

What you are required to do:

- 1) Fully reinstate the door recess in accordance with drawing E101 Existing Floorplan" and E110 "Existing elevation" submitted with application ref. 2015/6253/P;
- 2) Make good any damage caused as a result of the above requirement.

Period of compliance:

The notice shall require that the above is carried out within a period of 3 calendar months of the notice taking effect.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The removal of the recessed door to no. 21 has harmed the distinctive character and appearance of the shopfront and the host building, detracting from the quality of the parade of shops it forms part of and the wider streetscape, including the nearby Conservation Areas and the grade II listed Stables Market. The works are therefore contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the Core Strategy and Policy DP24 (Securing high quality design), DP25 (Conserving Camden's Heritage) and DP30 (Shopfronts) of the Development Policies of the Camden Local Development Framework.