



# Appeal Case Statement

**Prepared by Drawing and Planning Ltd.**

**December 2016**

**Planning Application Reference:** 2016/2017/P

**Address:** 283-285 West End Lane, London, NW6 1RD

**Planning Appeal on behalf of:** Daniel Kattan

**Appeal Proposal:** Erection of raised timber decking and perimeter timber enclosure on front area (retrospective).

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## 1.0 Introduction

- 1.1 Drawing and Planning have been asked by the appellant, Daniel Kattan, to prepare a statement of case to support an appeal following London Borough of Camden's decision to refuse planning permission to application 2016/2017/P. The appeal application is retrospective and concerns the raised timber decking and perimeter timber enclosure to the front area at The Alice House, 283-285 West End Lane, London, NW6 1RD.
- 1.2 The appeal application should be read alongside the submitted forms, plans and the accompanying Planning, Design and Access Statement. The appeal application was determined at delegated level. The matter was brought to the attention of the Council's enforcement team. In compliance with the Council's request the appellant sought the advice of a planning consultant and proceeded with an application to regularise the works.
- 1.3 This statement will set out the policy compliance of the proposed works having regard to the National Planning Policy Framework and the relevant Development Plan Policies.
- 1.4 The primary objectives of this appeal statement are to demonstrate that:
  - The decking and accompanying enclosure are appropriate in size and scale and in its current form, does not seriously undermine safety;
  - The size, siting and appearance of the decking area and the timber enclosures are not harmful to the character and appearance of the host building or streetscene;
  - The works preserve the character and setting of the Conservation Area when factored alongside other similar works in the area;
  - The Council confirmed a willingness to accept the retention of the raised decking albeit with a reduced size and scale. However, it will be demonstrated that the Council couldn't confirm what size would be acceptable and it is suggested that any minor changes would not have a materially different impact both on the character of the area or on pedestrian flows of traffic when factored by the compliance with standards for pavement widths.
  - The proposal endorses Central Government Guidance contained within the National Planning Policy Framework (NPPF) together with the relevant policies contained the London Plan 2015 (FALP). At a local level, the Camden Core LDF Strategy, LDF Development Plan and the Fortune Green and West Hampstead Neighbourhood Plan are relevant to this appeal.



The Appeal Site



The Appeal Site

## 2.0 Site and Area Analysis:

- 2.1 The appeal site at ground floor level supports a public house (use class A4) also known as 'The Alice House'. The site is located on the corner of West End Lane and Inglewood Road. The site falls within the confines of West End Green Conservation Area and is located within West Hampstead Town Centre. The West End Green Conservation Area Appraisal specifically identifies Nos. 283-285 as being a building that makes a positive contribution to the Conservation Area. The application plot has an area of approx. 280 sq.m. The location of the appeal site is shown on the area map included within *Appendix 1* of this statement, along with an extract from Camden's Proposals map in *Appendix 2*.
- 2.2 The existing business is heavily reliant on the outdoor seating area, (the subject of this appeal) especially during summer and autumn months as this attracts trade, which is important to the wider local economy. The host building itself is four storeys in height and carries features noted to be synonymous with Arts and Crafts era. The decking and its enclosures are located on the eastern side of the building. This area is readily accessible from the public highway on West End Lane. The subject building, from this side of the road, is generously set back. This has allowed provision for a seating area to be created, which the Council have no objection to in principle. As such this represents a well-established feature of the associated business. There are no alternative outdoor seating areas elsewhere on the site and its use is properly enforced by staff to ensure that the amenity of neighbours is respected.
- 2.3 A selection of photographs at *Appendix 3* of this statement show the said external seating area from a variety of external vantage points. From both its pre-existing form and its current existing form. There are no listed buildings which are within significant distance from the appeal site.
- 2.4 From an accessibility point of view, the appeal premises benefits from two access points, with the main entrance being from the corner doorway and the second entrance being via the raised decked area from West End Lane. The location of the pub is sustainably located given its proximity to West Hampstead underground and rail stations. Both stations provide direct routes into and out of key parts of the Capital. There are also a variety of bus services that provide local connections to key destinations.

## 3.0 Background to Appeal

3.1 The appeal application was registered by the London Borough of Camden on 29<sup>th</sup> April 2016. Whilst no additional documentation was provided during the process of the application, the appellant's agent was in contact with the appointed Planning Officer with a view to ensuring that all matters are appropriately addressed. During the consultation period, the assigned case officer had suggested that the proposal 'in its current form' would not be acceptable, but that council would welcome reductions. Whilst it was suggested that the enclosure could benefit from being reduced to just a metre in height, no exact figure was given as to what set-back would be appropriate. These were confirmed in an email to the appellant's agent dated 5<sup>th</sup> August 2016. A copy of the email is attached at *Appendix 4*.

3.2 It was suggested to the Council that the decking and enclosures were not harmful on both counts. Applications should be treated on a case by case basis and where they are deemed to be compliant with policy and the relevant highway guidance, as will be discussed under section 5, the Council should seek to approve applications regardless of whether the works are retrospective or not. The Council opted to refuse the application on 17 November 2016. The reasons for refusal for convenience are repeated below:

***"1. The raised timber decking and perimeter timber enclosures, by virtue of their siting on the public highway, reduce the width and function of the pavement resulting in harm to the safety and amenity of pedestrians and other road users, contrary to policy 9 of the Fortune Green and West Hampstead Neighbourhood Plan, policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Promoting sustainable and efficient transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.***

***2 The raised timber decking and perimeter timber enclosures, by reason of their size, siting and design, create a dominant and incongruous feature in a prominent corner location resulting in harm to the character and appearance of the host building, surrounding streetscene and conservation area, contrary to policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan, policies CS5 (Managing the impact of growth and development) and 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 DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies."***

3.3 This statement will discuss the merits of the appeal proposal together with the issues raised within the Council's reasons for refusal. As such this appeal raises the following issues:

- Whether or not the decking and enclosure would result in harm to the safety and amenity of pedestrians and other road users;
- Whether or not the decking and enclosure would harm the character and appearance of the host building, streetscene and Conservation Area;
- Other material considerations.

## 4.0 Planning Policy Context

### Central Government Guidance

- 4.1 A broader policy analysis is included within the accompanying Planning, Design and Access statement. This section directly addresses policies which are relevant to the Council's reasons for refusal, with the inclusion of the NPPF. Policies from both sets of documents are directly relevant and are set out to demonstrate policy compliance.

### National Planning Policy Framework (NPPF)

- 4.2 The National Planning Policy Framework (NPPF) document sets out the Coalition Government's most up-to date vision for future growth. It is considered that the appeal proposal adheres to the aspirations of the document. Relevant sections of the document are highlighted below.

- 4.3 The Ministerial Foreword highlights that ***"sustainable development is about positive growth – making economic, environmental and social progress for this and future generations"***. The opening statement goes on to state that ***"Development that is sustainable should go ahead, without delay."***

- 4.4 There are three aspects which comprise sustainable development; these are the economic role, the social role and the environmental role. In terms of the economic aspect land has to be made available where there is a demand to support growth. The environmental role involves the protection of the natural, built and historic environment.

- 4.5 Paragraph 17 of the NPPF sets out the core planning principles. Of relevance to the proposed development the document states that Council's must look to:

***"Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth and;***

- 4.6 Paragraph 18 identifies the need to help secure economic growth to create jobs and prosperity.

- 4.7 Paragraph 21 advocates that Investment in business should not be over-burdened by the combined requirements of planning policy expectations and goes on to recognise the following:

- ***"Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;***
- ***plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;"***



4.8 Paragraph 23 is focused on the protecting the vitality of town centres and presents a strategic need to retain and enhance existing markets and where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive. A sequential approach is advised by paragraph 24 which identifies a need for main town centre uses to be in town centre locations.

4.9 Section 8 of the NPPF is focused on conserving and enhancing the historic environment. The appeal site is within a Conservation Area and there are no listed buildings within proximity to the site. There is a common duty to ensure that heritage assets are preserved or enhanced by new development proposals.

4.10 Paragraph 61 continues to stress the importance of design and high quality and inclusive design:

***“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and integration of new development into the natural, built and historic environment.”***

#### Local Planning Policy

4.11 The Council’s reasons for refusal refer to policies CS5, CS11 and CS14 of the Camden LDF Core Strategy and DP16, DP21, DP24 and DP25 of the Local Development Framework Development Policies and policies 2, 3 and 9 of the Fortune Green and West Hampstead Neighbourhood Plan.

#### Camden LDF Core Strategy 2010

4.12 Policy CS5 is focused on managing the impact of growth and development. The policy gives special consideration to the following:

- “a) Providing uses that meet the needs of Camden’s population and contribute to the borough’s London-wide role;***
- b) Providing the infrastructure and facilities needed to support Camden’s population and those who work in and visit the borough;***
- c) Providing sustainable buildings and spaces of the highest quality; and***
- d) Protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.”***

4.13 Policy CS11 states:

***“The Council will protect existing and proposed transport infrastructure (including routes for walking, cycling and public transport, interchange points, depots and storage facilities) against removal or severance.”***

4.14 Policy CS14 is relevant on both the policy’s key themes in that it addresses on promoting high quality places and conserving the borough’s heritage. This is achieved from promoting the highest quality design, preserving heritage assets and their setting together with incorporating high quality landscaping with regard to high standards of access in all buildings and places.



## Camden LDF Development Policies

- 4.15 Policy DP16 deals with the transport implications of development where it specifically highlights that development will be resisted where proposals fail to assess and address any need for movements to, from and within the site, including links to existing transport networks. Proposals should also seek to make appropriate connections to highways and street spaces, in accordance with Camden's road hierarchy, and to public transport networks.
- 4.16 Policy DP21 is entitled 'Development connecting to the highway network'. The policy at parts 'g', 'h', 'i' and 'j' state the following:
- "g) Address the needs of wheelchair users and other people with mobility difficulties, people with sight impairments, children, elderly people and other vulnerable users;***
  - h) Avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter;***
  - i) Contribute to the creation of high quality streets and public spaces; and***
  - j) Repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development.***

The policy goes on to state the following:

***Where development will be connected to the highway network, the Council will require all new public highways to be constructed to a standard it considers to be appropriate for adoption, and expect the routes to be adopted, owned and managed by the relevant Highway Authority."***

- 4.17 In the spirit of promoting high quality design policy DP24 requires development to consider the character, setting, context and the form and scale of the area and building where applicable. The policy goes on to require the quality of materials to be considered; the provision of visually interesting frontages at street level; the appropriateness of the location of building services equipment alongside the appropriate levels of landscaping and amenity.
- 4.18 Policy DP25 refers to conserving Camden's heritage. The policy is split into 4 parts with the first, which deals with Conservation Areas, being most relevant. This repeated below for reference:

***"In order to maintain the character of Camden's conservation areas, the Council will:***

- a) Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;***
- b) Only permit development within conservation areas that preserves and enhances the character and appearance of the area;***
- c) Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;***

- d) ***Not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and***
- e) ***Preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage."***

## Fortune Green and West Hampstead Green Neighbourhood Plan

- 4.19 The Council refer to policy 2 of the local neighbourhood plan, which is relevant to design and character. The policy supports development which positively interfaces with the street, maintains a positive contribution towards the character of buildings and structures. The policy also promotes development that is human in scale as well as having regard to the form, function, structure and heritage of its context, in addition to materials of its context.
- 4.20 Policy 3 is relevant to the safeguarding and enhancement of Conservation Areas and heritage assets with development seeking to enhance or preserve these recognised assets will be supported.
- 4.21 Policy 9 of the local neighbourhood plan is relevant to pavements and pedestrians and it goes on to state that:

***"Pedestrian access in the Area – particularly in and around the West Hampstead Growth Area – shall be improved by development that takes into account the following:***

- i. ***Provides safe and wide pavements, giving the maximum possible space to pedestrians.***
- ii. ***Is set well back from the pavement, where appropriate, with the aim of giving additional pavement space.***
- iii. ***Improves accessibility for disabled people and those with push chairs.***
- iv. ***Contributes to improved and safer pedestrian crossings - particularly on the roads listed in D14.***
- v. ***Increases the amount of space for pedestrians around public transport facilities.***
- vi. ***Improves the existing network of paths in the Area.***
- vii. ***Contributes to the provision of new paths and, where viable, new crossings over the railway lines."***

## 5.0 Grounds for Appeal

5.1 Having regard to the policy referred to in the previous section and the key issues as set out under section 3 of this statement, the following points are discussed below:

- **Whether or not the decking and enclosure would result in harm to the safety and amenity of pedestrians and other road users;**
- **Whether or not the decking and enclosure would harm the character and appearance of the host building, streetscene and Conservation Area;**
- **Other material considerations.**

### **Whether or not the decking and enclosure would result in harm to the safety and amenity of pedestrians and other road users**

5.2 The Council's opening reason for refusal raises a safety issue in regard to the size & siting of the decking. As confirmed within the application, the host building has benefitted from the external seating area from as far back as 2008. The provision of outdoor seating area is therefore long established in connection with the ground floor business use. It is accepted that the Council have not criticised this aspect, however, it is important to establish these facts to understand & deal with the principal issues of this appeal.

5.3 The case officer in her report acknowledges the safety issues and the associated policies which relate to the pedestrian free flows. However, it is the way the Council approach the issue with the Case Officer coming to the following conclusion on the matter, as it states in the report that:

***"The site is located in a town centre where pedestrian footfall is significant. The pavement outside is quite narrow and the forecourt in front of the public house is not private but public highway according to Land Registry plans. The proposed decking structure takes up the entire forecourt area to the detriment of pedestrian comfort and safety, as the current forecourt provides valuable additional space for pedestrian movement as an adjunct to the pavement. It is therefore judged to be contrary to development policy DP21."***

5.4 The Case Officer is somewhat vague in her assessment. Planning policies alone do not provide stipulation of the relevant guidelines for pavement widths and no attempt has been made to allude to these in her assessment in refusing the appeal application. In essence no reliance is placed on the guidelines which are readily available to the Officer. Moreover, the Case Officer does not balance this against the facts which again show that seating outside the appeal premises are themselves a long-established use of the area and therefore the raised decking and enclosure are the only aspects up for consideration.

5.5 Failure to acknowledge the facts that relate to the appeal application do not give strength to the Council's case on this point alone. The Case Officer had carried this approach through to the decision as correspondence between the officer and the appellant's agent will demonstrate. An email dated 5th August 2016, as attached at *Appendix 4*, requests amendments. Whilst a reduction in height was partially agreed at 1.0m, nothing more was agreed to reduce the area. The appellant objects to the fact that the area of the decking should be reduced when this footprint itself has been in situation for a considerable period of time, since circa 2007, having been first installed by the previous

owners of the site. In any event any marginal reduction in area is unlikely to have a materially different impact from a safety and visual amenity point of view.

- 5.6 What the Council fail to acknowledge is that the retained pavement is compliant with their very own guidance which stipulates that the pedestrian pathways should be a minimum width of 1.8m, which is acknowledged to be the width sufficient for the passing of two adults. A copy of the Council's guidance is attached at *Appendix 5* by way of confirmation.
- 5.7 The measurements of the footpath on the eastern side measures 1.8m at its narrowest point, with other points between the enclosure and road exceeding this figure. The Council in failing to acknowledge their own standards have failed to consider this issue fully. The decking is also established by the front walls to the properties that lie to the north that also form the original boundary walls to these houses. The Council fail to consider this as these naturally reduce the width, in some places to a lesser extent than is being considered by this appeal in front of the host building. It is suggested that pedestrian movements are unaffected by the existing works as the footpath widths are dictated by these series of front boundary walls. The photographs at *Appendix 3*, help to indicate how these walls and the appellant's attempt to follow this established lines fall hand in hand. The similarities and the extent to which the adjoining walls already set a precedent can be judged on site.
- 5.8 An enclosure to support outdoor seating was proposed as far back as 2010. However the application was later withdrawn, see page 4 of the accompanying Planning, Design and Access statement. Photographs of the pre-existing arrangements are shown at *Appendix 3*. The appellant in withdrawing sought to provide a more permanent solution for the business and one that would appear more inviting in the context of the road, which is busy with traffic. It is suggested that the existing arrangement provides an appropriate buffer to customers and the busy road. It is important to note that the pre-existing arrangement retained the same footpath widths as that mooted by this appeal.
- 5.9 It can be concluded that the Council's assessment of this very issue has lacked detail both in guidance and historical terms. These points alone would signify that the seating arrangements have no serious impact as they are fully compliant with the Council's guidance on footways. The Council in their assessment accept that seating area of a similar kind are commonplace in the area under paragraph 3.3 of the Case Officer's report. It is therefore suggested that the line taken here by the LPA is unfounded.

**Whether or not the decking and enclosure would harm the character and appearance of the host building, streetscene and Conservation Area;**

- 5.10 The Council's second reason for refusal alleges harm to the character of the host building, surrounding streetscene and the Conservation Area. It would be appropriate to address these three aspects separately. However, before then and by way of confirmation, the existing decking and enclosures have an area measuring 46m<sup>2</sup> reaching a maximum height of 1.36m from street level.
- 5.11 The host property, as acknowledged within the accompanying Planning, Design and Access statement, is identified within the Conservation Area appraisal as being a building

that makes a positive contribution to the area. The building is however not locally or statutory listed. Notwithstanding this and as advocated by policy DP24, high quality design should be promoted. The ground floor serves as a public house with this use being long established to the host building. As already covered, the use has had various terrace / outdoor seating interventions in the past (*Appendix 3*). The use is therefore ultimately reliant on trade using the seating area, especially during the summer and autumn months. Use of the area is regulated by the business which ensures that customers use the area appropriately and in accordance with its licence. The decking and enclosure is synonymous with the A4 type uses in London in general. In many instances these features blend with the associated façade and like in this case, are complimented by landscaping which help to raise the attractiveness of the feature in order to attract trade.

- 5.12 The Council are mistaken in their approach as the development plays an important role in the function of the business. It is suggested that the host building's features are not hidden in any way as the building is not solely characterised by its ground floor features alone and from a general context, is better revealed by the stained timber enclosures. The decking does not wrap around the entire ground floor and as such, the area only covers a relatively small part of the façade. These elements go hand in hand in order to draw customers to the pub in the first instance and so it cannot be said any harm is brought to the building.
- 5.13 The timber boarding used is synonymous to 'decking' in general. The material is grooved and commonly used in a variety of capacities. The appellant has gone to the expense of retrofitting the area and incorporating planting within the enclosures. The wood is also stained in a dark styled varnish and so the entire process was not carried out economically by any means. The costs and willingness to improve stems from the previously withdrawn application in 2010 which sought planning permission for reinforced concrete balustrades and timber decking at the same premises and in the same location. The efforts exerted for the appeal application carry greater weight in design terms. The Council are accepting of the fact that there are other local examples in the area. However, it is somewhat surprising that they have opted to refuse, alleging the works are harmful to the established character when they themselves, concede to the principle being acceptable elsewhere. The streetscene, like the host building, is therefore not undermined by the works.
- 5.14 The appeal site is located within the West End Green Conservation Area. Planning policy recognises the duty for new development to preserve or enhance the character and appearance of the borough's heritage assets. Whilst there are no listed buildings within notable proximity, the site itself is recognised as being a building that makes a positive contribution in the Conservation Area.
- 5.15 There is clear support for retention of the existing arrangement on the basis that there is no embargo to having decking or any form of enclosure to that matter within a Conservation Area so long as it is sensitively applied. The tests are therefore reliant on whether the development fails to achieve one of the two key requirements or commonly reoffered to as 'preserving or enhancing' the Conservation Area.
- 5.16 The Conservation Area appraisal provides scope to improve certain features of the area. The principle of seating is not a matter which requires addressing by this application and

therefore any change to this area must be considered in light of the lawfulness of the area's use. Therefore, the narrative should focus on whether any harm is caused.

- 5.17 It is firmly suggested that there are often competing demands when addressing development and these can be exacerbated when dealing with heritage assets. However, it cannot be said that whilst the retrospective works serve a purposeful function, they demonstrably harm the character and appearance of the Conservation Area. For instance, the enclosure keeps a relatively low profile, which when placed in context of the subject building, helps to maintain its dominant appearance on this prominent corner of the CA. The enclosure presents an inviting environment, when factored alongside the soft landscaping, helps to direct views towards the subject building. This therefore helps to enhance the building's contribution to the area and should be weighed against the lesser alternatives when say table and chairs are just placed externally with poor integration of temporary screening, which together avertedly adds unnecessary clutter to the buildings appearance and its setting within the Conservation Area.
- 5.18 Furthermore, the pre-existing arrangements were 'light' in their appearance, providing an 'ad-hoc' arrangement. The Conservation Area appraisal identifies this as being one of the area's commercial pressures. The existing arrangement provides a more permanent and robust appearance and in doing so, uses quality materials and finishes to compliment the traditional style of the building whilst also presenting a modern twist to reflect the contemporary establishment. In compliance with policy DP25, the works do not amount to causing harm to the Conservation Area. In their absence, the area, whilst being open will appear less inviting and harmful to local trade and the wider local economy.
- 5.19 Again, the Council have provided minimal and vague justification for refusing the appeal application on design and character grounds. The 'wood' of the timber decking, whilst being relatively low cost, has a balanced impact for the type of establishment the ground floor serves. It cannot be said that the wood is inappropriate as it is finished with care and is supported by plantings. Furthermore, the timer decking and enclosures are semi-permanent and can in any event be removed, easily repaired or improved from the frontal area – which will be subject to a separate planning application - thereby giving the Council further control of development at the site. Whilst it is not anticipated the decking would have a lifespan to last the host building, the semi-permanent nature of the works are appropriate to the building's current use and setting.
- 5.20 It can be concluded that the existing enclosure and raised decking provides a seamless addition when factored alongside the walled frontages of properties to the north and these have a positive impact on the general character and setting of the area. The works were implemented with the expectation of providing a robust solution to the outdoor seating area in recognition to the wider benefits of the development to the business and promoting wider local economic gains. It is therefore suggested that the works help towards preserving the character and setting of the Conservation Area.

## **Other material considerations**

- 5.21 There is common ground between the appellant and Council where all other considerations are concerned. For instance, it was agreed that the works do not undermine the accessibility or the amenity of neighbours.

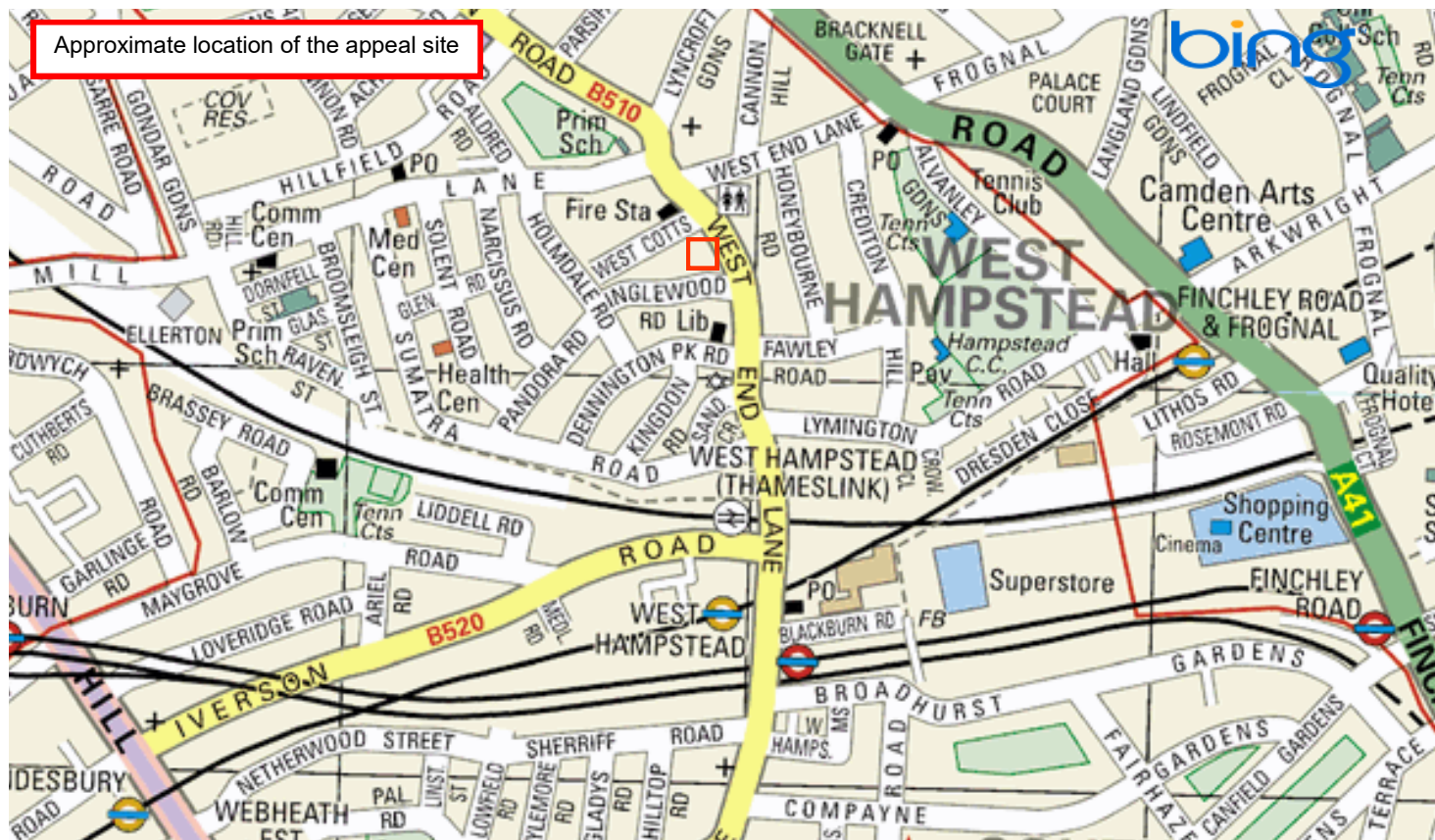
- 5.22 The appellant reserves the right to further comment should any other matters, other than those that arise from the Council's reason for refusal, be considered relevant to this appeal.

## **6.0 Conclusion**

- 6.1 This appeal statement sets out the reasons as to why the raised timber decking and perimeter timber enclosure on front area at The Alice House, 283-285 West End Lane, London should be approved.
- 6.2 This statement addresses matters which relate to impact on safety to pedestrians and other highway users and impact the decking and enclosure has on the character and setting of the host building, streetscene and Conservation Area.
- 6.3 It has been demonstrated that the retained area of pavement accords with the Council's guidelines and that the width is also reflective of the widths already established by the boundary walling to the neighbouring properties north of the site. It is suggested that no harm is brought to the free flow of traffic or general safety of people along West End Lane.
- 6.4 The development in its current form will not undermine the character and setting of the host building and it is suggested in this appeal that the visual benefits brought about by the development were not identified by the Council. Moreover the economic benefits of the decking and enclosure were also not appropriately identified by the Council.
- 6.5 In respect to the streetscene and the Conservation Area, the development will not have a serious impact as it merely reflects other similar A3 / A4 uses where it is now commonplace to provide such amenity for customers, especially during summer and autumn months. It can be concluded there are competing demands, however in this case, the development would preserve the character and setting of both the streetscene and Conservation Area.
- 6.6 The development is fully compliant with National Planning Policy Framework (NPPF), the relevant policies contained within the London Plan 2015 (with further alterations) and associated policies and guidance taken from the Camden LDF Core Strategy 2010, The LDF Development policies and the policies referred to in the Fortune Green and West Hampstead Green Neighbourhood Plan.
- 6.7 For the reasons noted in this statement it is requested that the appointed Inspector allow this appeal.

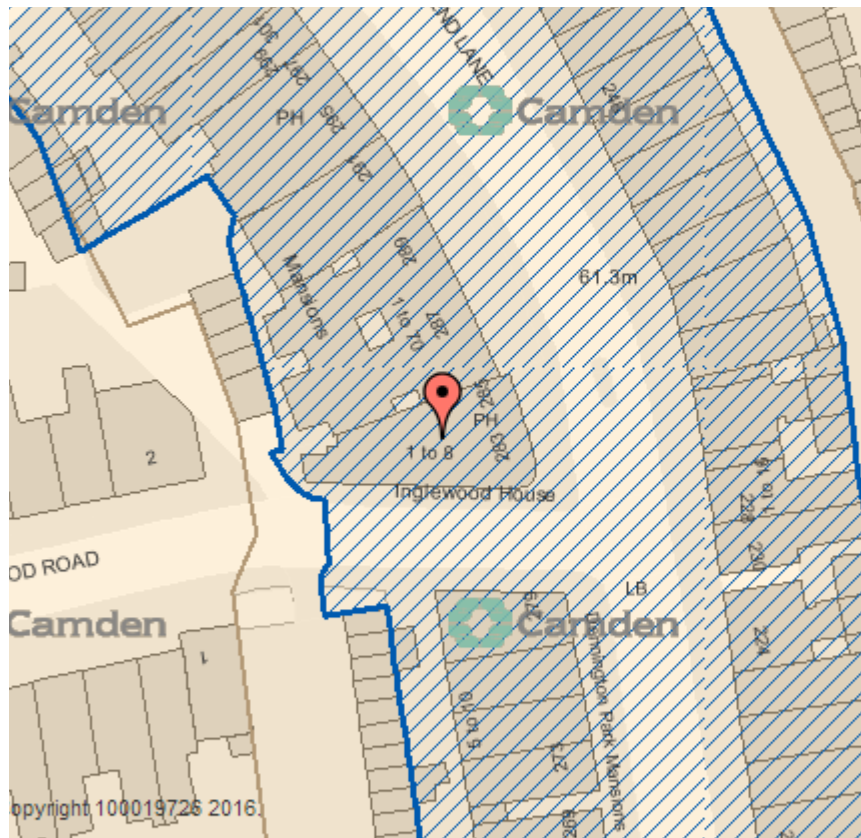


# Appendix 1



Extract from Bing maps to highlight the general location of the appeal site.

# Appendix 2



Extract from the Camden Planning Policies Map

## Map Key

-  Archaeological Priority Area West End
-  Conservation Area West End Green
-  Town Centre



# Appendix 3 - Existing



A view of the premises and accompanying seating area as seen from opposite side of West End Lane



A view of the boundary treatments with the adjoining property



A view of the seating area



A view taken near the access point focusing on the detail of the of timber panelled enclosure



A view from the corner of the enclosure looking north along West End Lane



# Pre-existing



Images from  
2008



Images taken from 2012



An image from 2016