

TOWN AND COUNTRY PLANNING ACT, 1990

46 BIRCHINGTON ROAD, LONDON, NW6 4LJ

APPLICATION BY MR N CELA FOR PLANNING
PERMISSION FOR '*DEMOLITION OF EXISTING
TIMBER ENCLOSURE AND DECKING TO
FORECOURT TO RESTAURANT AND ITS
REPLACEMENT WITH A LOWER TERRACE
COMPRISED OF A LOW BRICK WALL AND PIERS
WITH METAL RAILINGS*'

SUPPORTING STATEMENT

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INTRODUCTION

- 1 The application follows the appeal decision reference APP/X5210/W/17/3168796 dated 19 May 2017. The appeal was dismissed in respect of a *‘retrospective erection of timber enclosure and decking to forecourt to restaurant’*

THE APPEAL DECISION

- 2 The relevant sections of the appeal decision are set out below:

Paragraph 5

‘The use of timber materials, substantial height and predominantly solid form of the development along the majority of the site boundary results in an incongruous, bulky, enclosing and oppressive feature which detracts from the simple form of the appeal property and fails to reflect the traditional materials and generally low, open form characteristic of existing boundary treatment within the street’

Paragraph 11

‘However, the evening and night time use of the decking and the playing of live or amplified music could be controlled by conditions’.

Paragraph 12

‘The implementation of an appropriate external lighting scheme and restrictions on the hours of illumination of any lights could be secured by conditions’.

Paragraph 13

‘I note the appellant’s acceptance of conditions in respect of these matters, and have no evidence to suggest that such conditions could not be appropriately drafted so as to meet the 6 tests set out in paragraph 206 of the Framework’.

Paragraph 14

‘For the reasons set out above, I conclude that the imposition of conditions relating to hours of use, music and external lighting would ensure that the development would not have a harmful effect upon the living conditions of

the occupants of neighbouring residential properties, with particular regard to noise nuisance and light pollution'

SUBMISSIONS

Neighbouring Amenity

- 3 The Inspector concluded that the imposition of conditions relating to hours of use, music and external lighting would ensure that the development would not have a harmful effect upon the living conditions of the occupants of neighbouring residential properties.
- 4 Therefore, when granting permission, the LPA is invited to impose conditions relating to the following matters:
 - Preventing the use of the proposed terrace after 6.00 pm (as required by the premises licence).
 - Prohibiting the playing of live or amplified music on the proposed terrace.
 - Requiring the submission and approval of a lighting scheme.
- 5 With the appropriate conditions, the development would accord with the amenity protection aims of Camden policies CS5 and DP26 and paragraphs 17, 123 and 125 of the National Planning Policy Framework.

Character and Appearance

- 6 The Inspector also concluded that the existing development has a harmful effect upon the character and appearance of the appeal property and the surrounding area. The Inspector referred to the generally low, open form characteristic of existing boundary treatment within the street and to the use of timber materials, substantial height and predominantly solid form of the development
- 7 The revised design uses brick rather than timber, which is commonly used in other front enclosures along Birchington Road, including the adjacent Lloyds Bank building and the stepped entrances to nearby houses.
- 8 The height of the terrace will be reduced from its maximum current level of 2.2m to a maximum of just 1.5m, at height lower than the enclosures at Lloyds Bank building and the nearby houses. Moreover, the use of traditional metal railings would provide a predominantly open appearance to the development.

- 9 As such the Inspector's design criticisms have been fully addressed and the revised proposals now fully reflect the generally low, open form characteristic of existing boundary treatment within the street.
- 10 As such, the revised development accords with the design aims of Camden policies CS5 and DP24 and paragraph 9 and Section 7 of the National Planning Policy Framework.

CONCLUSIONS

- 11 The revised proposals address all of the appeal Inspector's concerns and planning permission should be granted subject to appropriate conditions.