

Appeal Decision

Site visit made on 5 July 2017

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/X5210/C/17/3163933

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

- 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 Dirtybird Restaurants Limited against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, numbered EN16/01018 was issued on 17 October 2017.
 - The breach of planning control as alleged in the notice is the removal of shopfront at number 21 Chalk Farm Road.
 - The requirements of the notice are as follows:
 - a) Fully reinstate the door recess in accordance with drawing E101 (Existing Floor Plan) and E110 (existing Elevation) submitted with application ref. 2015/6253/P and
 - b) Make good any damage caused as a result of the above requirement.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on grounds (a) and (f) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed. See formal decision below.

Background information

2. The appeal site comprises two units (21 and 22) at ground floor level within this C19th terrace of properties (ground, first and second floors) on the north side of Chalk Farm Road, opposite the listed Grade II Stables Market in Camden Town. The units are currently in use as a restaurant (Use Class A3) with what appear to be residential uses above. The name shown on the orange painted fascia of the restaurant is 'Bird'.

3. In October 2015 planning permission was granted for alterations to the two shopfronts including the installation of awnings. This permission also included a recessed door to No 21. In December 2015 planning permission was refused for further alterations which included the removal of the recessed doorway to No 21; and its replacement with a new glazed panel and stallriser.

4. This latter application was refused by the Council on the basis that the removal of the recessed doorway would not respect the distinctive character and appearance of the shopfronts and would disrupt the existing balance and relationship of the pair of units within the terrace of buildings. It was considered that the character and appearance of the host buildings; the parade and the wider street scape would be harmed by this proposal.

5. Despite the refusal, the works were carried out to remove the recessed doorway and a complaint was made to the Council. Visits were made by an enforcement officer and, in June 2016, the appellant's agent was informed that enforcement action would be taken against the unauthorised works. In July 2016 an officer met

on site with the agent and the restaurant owner to consider a variety of options for door treatments to the frontage. However, none of these included the reinstatement of the recessed doorway to No 21. The Council therefore considered it expedient to issue the notice that is the subject of this appeal.

The appeal on ground (a)

6. The main issues relate to the effects that the removal of the recessed doorway at No 21 have had on the character and appearance of the host buildings; the streetscene in general; the parade of properties along this part of Chalk Farm Road and the setting of the Grade II listed Stables Market buildings opposite.

7. The most relevant development plan policies are CS14 (Promoting high quality places and conserving our heritage); DP24 (Securing high quality design) and DP30 (Shopfronts) of the LDF Core Strategy and Development Policies 2010 (CSDP). The National Planning Policy Framework (NPPF) is a major material consideration. In particular I have taken into account sections 1 (Building a strong, competitive economy) and 7 (Requiring good design). In reaching my decision, I have also had regard to the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; to relevant Planning Practice Guidance (PPG) and to Camden's planning guidance relating to shopfronts.

8. Having seen the unauthorised works as carried out from both near and distant viewpoints, I share the Council's concerns about the negative impact that they have had within this part of Camden. The single units at Nos 26, 25, 24 and 23 have retained various features at ground floor level, including doors, pilasters and decorative corbels. These units comprise a ground floor shop/commercial use with residential units on the upper levels. Each of these numbered units is therefore perceived as a stand-alone property. From the appellant's submitted photographs it is clear that, prior to any works being carried out, Nos 21 and 22 would also have been perceived in the same way.

9. I acknowledge that planning permission was granted on the basis of the double fronted unit and also noted another nearby double-fronted unit at Nos 27 and 28 on the corner with Hartland Road. However, with regard to the permission for Nos 21 and 22, it was understood that the recessed doorway at No 21 would be retained. Thus, although Nos 21 and 22 were being used as one unit, the 'single-unit' basis or appearance of the frontages would still be recognisable.

10. Due to the fact that the doorway to No 21 has been removed and that Nos 21 and 22 have not retained (for whatever reasons) their pedimented decorative corbels, the appearance of the frontage to the two properties is completely different to those of the neighbouring units at Nos 20, 23, 24, 25 and 26. The almost continuous shallow fascia adds to the appearance of Nos 21 and 22 as merging into one continuous frontage (rather than being two) along this part of Chalk Farm Road.

11. Overall, therefore, I consider that the works as carried out are obtrusive and alien within the streetscene and that they visually harm the well-proportioned Georgian appearance of the upper floors of the two properties. I consider that they are contrary to policies CS14, DP24 and DP30 of the CSDP policies and to the Camden Planning Guidance CPG1 relating to shopfronts. I also find the works to be contrary to the NPPF which, at paragraph 64, indicates that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

12. Having considered the effect of the works on the setting of the listed building(s) opposite, I consider that the impact would only be minimal. However, this does not

outweigh my concerns which I have outlined above. Planning permission for the unauthorised works is not, therefore, granted and the appeal fails on ground (a).

The appeal on ground (f)

13. An appeal on this ground is made on the basis that the requirements of the notice are excessive and that lesser requirements would overcome the harm caused. Under this ground the appellant has indicated that alternative amendments were provided. However, these alternatives were not acceptable to the Council since the recessed doorway was not reinstated. The appellant has not provided any alternative (or lesser steps) at this appeal stage which would overcome the harm caused by the loss of the recessed doorway. The appeal also fails, therefore on ground (f).

Other Matters

14. In reaching my conclusions on the grounds of appeal I have taken into account all of the other matters raised in this appeal. These include the delegated report and the initial grounds of appeal; the detailed statement submitted on behalf of the appellant and that of the Council; the site description and its context; the full planning history; the alternative proposals discussed; the contents of the letters attached to the appellant's statement; the photographic submissions; the references to poor quality shopfronts in this part of Camden; the one door policy of the company and the pressures on opening the premises on time.

15. However, none of these carries sufficient weight to alter my conclusions on the grounds of appeal and nor is any other matter of such significance so as to change my decision.

Formal decision

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused for the application deemed to have been made under section 177(5) of the Act.

Anthony J Wharton

Inspector