



Appeal Decision

Site visit made on 10 January 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2018

Appeal Ref: APP/X5210/W/17/3178482
20 York Rise, London NW5 1ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Yigit against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2017/0502/P, dated 26 January 2017, was refused by notice dated 20 June 2017.
 - The development proposed is front timber decking for tables and chairs.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development has already been carried out and I was able to see it when I visited the site. The planning application form refers to retention of the timber decking. Section 73A of the Town and Country Planning Act makes allowance for the submission of a planning application for development which has been carried out before the date of the application. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use, as opposed to their retention or continuation. Consequently, I have omitted the word retention from the description of the development and I have considered the appeal on the basis that it is for the provision of timber decking to provide a seating area at the front of the appeal premises.
3. The Camden Local Plan 2017 (the Local Plan) was adopted by the Council on 3 July 2017, shortly after the planning application that forms the subject of this appeal was determined. The reason for refusal refers to Policies CS5 and CS14 of the Camden Core Strategy and Policies DP24 and DP25 of the Camden Development Policies. It also makes reference to Policies D1 and D2 of the Local Plan, describing these as emerging policies. On adoption the Local Plan replaced both the Camden Core Strategy and the Camden Development Policies in their entirety. Local Plan Policies D1 and D2 are essentially similar in content to the policies that they replaced and as the Local Plan is now the current development plan for the area the appeal falls to be determined on the basis of Local Plan Policies D1 and D2.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the Dartmouth Park Conservation Area.

Reasons

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of National Planning Policy Framework (the Framework) also requires that great weight should be given to the conservation of heritage assets.
6. Policies D1 and D2 of Camden Local Plan 2017 (the Local Plan) expect new development to be of a high quality of design that has regard to its context, preserves or enhances the historic environment and the character and appearance of conservation areas.
7. The appeal building is part of a short terrace of three storey buildings on York Rise that have commercial uses at the ground level and residential accommodation above, situated within a small commercial enclave at the junction of York Rise and Chetwynd Road. A number of the buildings within the terrace have been rebuilt or remodelled, however, the appeal building and its neighbours to the north west are identified in the Dartmouth Park Conservation Area Appraisal and Management Statement (CAAMS) as making a positive contribution to the character and appearance of the Conservation Area.
8. Most of the buildings in this short terrace have a small forecourt to the front that the CAAMS suggests was originally the front garden area of houses that were converted to shops. This results in the terrace being set back from the edge of the footway creating a localised widening of the street, which contrasts with the other commercial premises that are built up from the back of the footway and the high boundary walls of the rear gardens to the houses to the north west that front Dartmouth Park Road.
9. I saw when I visited the site that the neighbouring property at number 16/18 York Rise has been extended to the front at ground floor level to create an extension to the shop. I also saw that at number 14 decking and metal railings had been erected on the forecourt of the premises. Whilst this has enclosed the external space, in form it was not dissimilar to the low walls and railings that enclose the front garden areas of residential houses on the nearby streets or the small areas of wall and railings that are present to the front of buildings just to the south east of the appeal building on York Rise.
10. The appeal proposal comprises of timber decking surrounded by a railing supported on plain timber balusters with decorative corner posts. The structure is stained a dark brown colour. A ramped area, slightly off centre, provides access to the café. This ramp is covered with an artificial grass mat. At the time of my site visit the decking area accommodated two tables with seats for two, a table for four and two armchairs and was in use by patrons of the café.
11. The visibility of the decking area within the street scene is reduced by its location adjacent to the single storey extension to the adjoining shop, which partly screens it in some views and forms a backdrop to it in others.

- Nonetheless, the seating area is still widely visible and made more so by presence of patrons using it and the associated activity.
12. In the surrounding area the spaces to the front of buildings are generally enclosed by low walls, with or without metal railings or with planting behind. Where timber is used it is very much a secondary material above masonry or brickwork below. Timber is not commonly used as a material for enclosing or demarcating the space at the front of buildings. Within this context the use of timber as the sole means of enclosure appears as an incongruous feature. This is exacerbated by the green of the artificial grass on the ramp to the building entrance where the other buildings in the area typically have a hard surface such as paving slabs, concrete or tile leading to the principal entrance.
 13. The CAAMS identifies that railings and other front boundary treatments in the area extensive in their variety, but that traditional wrought and cast ironwork, brick walls and piers, stone pier-caps and copings are characteristics of the conservation area. The finished appearance of the decking area is inconsistent with the prevailing character of, and approach to, enclosing space within the conservation area.
 14. The localised opening out of York Rise at this point provides some relief from its enclosure by high walls and building frontages, and contributes to providing a different identity to the commercial centre around the crossroads. The local shopping centres and other non-residential uses scattered through the conservation area are noted in the CAAMS as being integral to its character. This openness has been partly eroded by development over the forecourt areas at number 16/18 and to a lesser extent by the enclosure at number 14. The appeal scheme further erodes this openness as a result of its incongruous appearance and the activity associated with it. This undermines the contribution that the appeal building makes to the character and appearance of the conservation area.
 15. The CAAMS also identifies that York stone slabs are used extensively for paving footways in the area and these are also present on some of the forecourts adjacent to the appeal site. I saw during my site visit that some areas of footway have been repaired with concrete slabs and parts of the forecourt areas to the front of other buildings in the terrace have been concreted or block paved. I accept that the original paving slabs may still be present beneath the decking but they are now obscured by uncharacteristic materials. Whilst taken in isolation this would not be sufficient grounds to refuse planning permission, the diminution of the visible extent of traditional paving materials that are characteristic of the area adds to my other concerns in respect of the development.
 16. The appellant suggests that the seating area is constructed in natural materials that blend with the host building and street scene, and that there is no possible alternative material that could be used. I am not persuaded by this as the approach that has been taken at number 14 York Rise, which takes its design cues from the existing forms of enclosure in the area, does demonstrate an alternative approach. Whilst timber is a natural material, it is not used as a primary means of enclosure of building frontages in the conservation area.
 17. I find that the development causes harm to the character and appearance of the conservation area, however, due to the relatively small scale of the development within the context of the conservation area, this harm is less than

substantial. Paragraph 134 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.

18. The appellant identifies that the development provides additional seating for patrons as the internal seating arrangement at the café is limited and that it also provides step free access to the premises by way of the ramp. Although from the representations that I have seen and from what I saw during my site visit the café is a well-used local facility and an established business, the additional seating is primarily a benefit to the operator of the premises and I give only moderate weight to this. Indirectly, the development also facilitates step free access to the premises, although I accept the Council's point that there are other methods of achieving this without the provision of an external seating area. However, I also give moderate weight to this point. Whilst there are some benefits arising from the proposal these do not, either singly or collectively, overturn the great weight that the Framework requires to be given to the conservation of designated heritage assets.
19. I therefore conclude that the development causes harm to the character and appearance of the Dartmouth Park Conservation Area. It does not comply with the relevant requirements of Policies D1 and D2 of the Local Plan which seek to ensure that new development is of a high standard of design that has regard to its context and preserves or enhances the historic environment and the character and appearance of conservation areas.

Conclusion

20. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR