

Appeal Statement

Against Refusal of Planning Permission ref 2017/3585/P
and Advertisement Consent ref 2017/3840/A

81 Kentish Town Road
London NW1 8NY

Appellant:
Zing Zing

January 2018

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1.0 OVERVIEW

- 1.1 Planning Sense are instructed to act on behalf of Zing Zing ('The Appellant'), in respect to the London Borough of Camden's (LBC) decision to refuse Full Planning Permission and Advertisement Consent refs: 2017/3585/P & 2017/3840/A for 81 Kentish Town Road ("The Appeal Property").
- 1.2 Both appeals are retrospective and seek planning permission for "*Installation of timber decking and balustrade on forecourt*" (Appeal A) and "*Display of internally illuminated fascia sign*" (Appeal B).
- 1.3 The applications were submitted in June 2017 and validated on 20 November 2017. The applications were refused under delegated powers on 15 January 2018. The decision notice also contained a 'warning of enforcement action to be taken'.
- 1.4 During the consultation period, one third party representation was received by LBC. The representation was considered as part of the Council's planning assessment.
- 1.5 The Planning decision contained the following reason for refusal:

The timber decking, by reason of its design, materials and location, is considered to be unattractive and incongruous and thus detrimental to the character and appearance of the host building, the existing streetscene and the wider Kentish Town Neighbourhood Area, and is thereby contrary to policy D1 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 1.6 The Advertisement decision contained the following reason for refusal:

The fascia sign, by reason of its size, method of illumination and location, is detrimental to the character and appearance of the host building, the existing streetscene and the wider Kentish Town Neighbourhood Area, and is thereby contrary to policies D1 and D4 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

2.0 SITE AND SURROUNDING CONTEXT

2.1 The Appeal site lies on the western side of Kentish Town Road, north of its junction with Hawley Road and South of the main junction with Royal College Street. The building is currently used as a takeaway/restaurant with residential accommodation above. The ground floor is occupied by Zing Zing takeaway shop.



Previous Shopfront



Current Shopfront

- 2.2 Prior to Zing Zing, the unit was used as a restaurant and displayed the signage "XEEBTA LIIDO" with three downlights.
- 2.3 The premises are situated within a secondary shopping frontage, as designated by Camden's Proposals Map. There are a variety of uses surrounding the site, including a number of other restaurants and retail units. There are currently no other dedicated food takeaways along this section of the parade.
- 2.4 The site forms part of a secondary frontage within the Kentish Town District Shopping and Service Centre. The property is not listed, nor does it lie within a Conservation Area.
- 2.5 The planning history relating to the site is quite limited, with only a handful of applications. The most recent application granted permission in April 2013 for the *"Change of use from restaurant/takeaway (Classes A3/A5) to takeaway (Class A5)"* (ref:2013/1229/P).

3.0 THE OPERATOR

- 3.1 Zing Zing are the appellant and operator of the takeaway restaurant. The Zing Zing brand was established in 2012 with the aim of offering clean (no MSG), high quality, wok fresh Chinese takeaways.
- 3.2 Zing Zing currently has four locations, Kentish Town, Highbury, Kensal Rise & Elephant & Castle.
- 3.3 The brand's aim is to significantly enhance the Chinese takeaway experience through using better quality ingredients and avoiding any use of food chemicals (MSG). All of the recipes on the menu (in each restaurant) have been prepared by one chef to ensure each dish is naturally made on a daily basis.
- 3.4 The company conscious of its environmental footprint and seeks to create little to no wastage through easily recycle packaging as well as also ensuring that that used cooking oil is recycled.
- 3.5 The brand's consistent high standards are applied equally at each of the takeaway shops providing customers with the same experience wherever food is ordered from.
- 3.6 This is a new approach for Chinese takeaways and makes Zing Zing stand out from the usual takeaway offerings.

4.0 APPEAL PROPOSALS

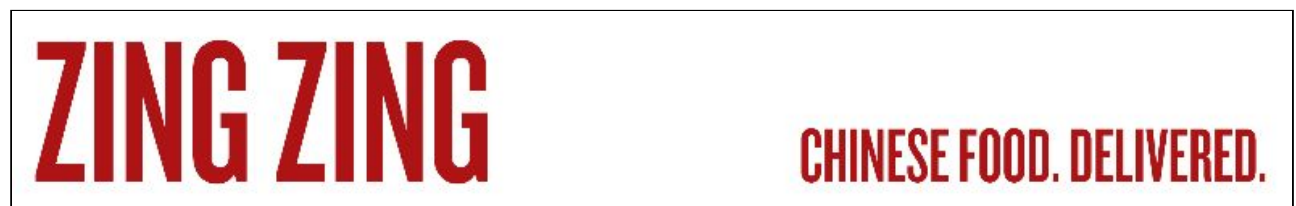
4.1 The Appeal Proposal seeks retrospective Planning Permission and Advertisement Consent for a decked area to the front of the shop and erection of fascia signage.

4.2 Appeal A relates to an area of timber decking to the front of the unit.

4.3 Appeal B relates to the fascia signage measuring:

- 4.4m width
- 0.75m in height
- 0.25m in depth

4.4 The signage is internally lit with static LED strips.



Shopfront Signage

5.0 PLANNING POLICY

5.1 This following section sets out relevant Development Plan policies in the context of this the reasons for refusal.

Camden Local Plan 2017

- A1 – Managing the impact of development
- D1 – Design
- D4 – Advertisements

Camden Planning Guidance (CPG)

- CPG 1 Design (2015)
- CPG 6 Amenity (2013)

The Kentish Town Neighbourhood Plan (2016)

- Policy D3 ‘Design Principles’

5.2 In addition, the appellant considers Local Plan Policy D3 “Shopfronts” and C6 “Access for All” to be relevant to the proposal.

5.3 All of the above policies are attached in full at Appendix A.

Main Issues

5.4 The main issues, as set out in the Officer’s report are:

Appeal A: - Design

Appeal B: - Design

- Amenity of residents

5.5 With respect to Appeal A, the council state that *“the principle and detailed design of the proposed decking with associated poles and chains are considered inappropriate and unsympathetic to the property and streetscene and would set an unacceptable precedent”*

- 5.6 With respect to Appeal B, the council allege that fascia sign and lettering is “*overly large and dominant in terms of its relationship with the existing streetscape.*” It is also suggested that lighting within the fascia is intermittently flashing, which could disturb residents and is contrary to CPG.
- 5.7 The above issues are discussed in detail in the following section.

6.0 ASSESSMENT

6.1 This section assesses the Council’s reason for refusal in the context of the adopted development plan policies.

Appeal A

Design

6.2 Local Plan Policy D1 covers a broad range of design criteria which seek to ensure development is of a high design quality. The guidance applies to the entire borough, with certain criteria specifically concerning heritage assets.

6.3 Part D1 (a) requires development which “*respects local context and character.*”

6.4 A feature of all of the shop frontages along this stretch of Kentish Town Road is the presence of a different form of surfacing between the shop frontage and the pavement. This surface material varies between the different shops, some with various hard surfacing which contrasts with the street paving and some with timber decking. This surface provides a form of segregation between the pedestrian area and the shops. The area is often used for tables and chairs display/storage of bikes (Giant shop) and ‘A’ frame shop signs.

6.5 The timber decking to the front of the appeal site provides an easily accessible and contained area to store bikes while not in use, without blocking the pedestrian route or the main highway. The decked area helps to segregate and contain the parked delivery bikes in a small area close to the shop, maintaining a clear customer access to the shop and the residential access to the right-hand side.

6.6 Whilst the containment could be achieved with a fence or railing (under permitted development - see GPDO Schedule 2, Part 2, Class A), the decking installed is considered less formal and less intrusive than creating an enclosure.

6.7 Part (c) requires development to be “*sustainable in design and construction.*” Although the decking is a small area of development with limited scope for sustainability enhancements, timber decking is generally considered to be a sustainable material.

6.8 Part (e) states that development should comprise “*materials that are of high quality and complement the local character*” As already indicated the flooring surfaces along the parade of shops display a variety of finishes (including timber decking). A selection of these neighbouring shops are provided below.



Guanabana Restaurant (no.85)



Guanabana Restaurant (no.83)



No.79 Kentish Town Road



Giant Shop (no.75)

- 6.9 The type of external floor material used to the front of the parade of shops varies between each unit, as does the boundary treatment. Despite the variation displayed along this frontage, the external floor area forms part of the character of these shops. The appellant considers that the decked area to the front of the appeal site maintains this character and by no means detracts from the local streetscape, in accordance with D1 (e).
- 6.10 Part (f) required development *"to integrate well with the surrounding streets.....and contribute positively to the street frontage"*;
- 6.11 The decking at the appeal site serves to segregate the shop front curtilage and the pedestrian pavement. The segregation between the pavement area has been created in a similar style to the adjoining units.

- 6.12 As noted above (and in the delegated report) the appellant would be able to erect a 1m fence around the frontage under permitted development rights. However, the erection of a fence structure would be much more intrusive to the streetscene and detract from the appearance of the area (as the adjacent property railings demonstrate).
- 6.13 Part (g) encourages *“development to be inclusive and accessible for all.”* The requirement for accessibility is repeated in various policies including, CPG 7.11 ‘General Principles’ which states *“All shopfronts should be designed to provide access into the premises for all.”* and that 7.12 which requires *“Entrance doors should be accessible to all, particularly wheelchair users and people with limited manual dexterity.”*
- 6.14 Policy C6 ‘access for all’ seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. Part (a) expects *“all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all”*
- 6.15 The Kentish Town Neighbourhood Plan D3 (f) states that *“Proposals must enhance accessibility in buildings by taking into account barriers experienced by different user groups.”*
- 6.16 The decking incorporates a ramped entrance to provide an accessible point of entry into the shop for wheelchair users. The ramp, therefore, ensures compliance with Camden’s accessible policy requirements.

Appeal B

Design

- 6.17 Local Plan Policy D4 requires *“advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.”*.

- 6.18 Policy D4 sets out instances where advertisements will be resisted. These include where they:
- a. *contribute to an unsightly proliferation of signage in the area;*
The signage forms part of a parade of shops, each with its own individual signage.
 - b. *cause light pollution to nearby residential properties or wildlife habitats;*
The sign is internally illuminated. The residential properties opposite are located over 20 from the sign across a busy A road.
 - c. *have flashing illuminated elements; or*
Contrary to the council's allegations, the signage illumination does not flash.
 - d. *impact upon public safety.*
The sign represents no impact whatsoever upon public safety.
- 6.19 D4 (a) supports advertisements which "*preserve the character and amenity of the area*". General principles for good shopfront design are set out in CPG 1 paragraph 7.11. The guidance states that "*Shopfront alterations should respect the detailed design, materials, colour and architectural features of the shopfront and building itself*". The guidance encourages the retention of historic, locally distinctive or characteristic shopfronts which contribute to the townscape. In some cases, the reinstatement of missing features will be encouraged. The signage in this case respects the general proportions of the shopfront. The Council have not requested reinstatement of missing features in this case.
- 6.20 Advertisements and signs guidance, contained at Paragraph 7.13 of CPG 1 refers to how unsympathetically designed shop signs can harm the building and the local townscape. It states that "*Signs should relate well to the character, scale and architectural features of the building and respect their local context*".
- 6.21 Fascia signs are identified as key shopfront components under paragraph 7.12 and as such, specific guidance is provided for carrying out alterations. The guidance includes two illustrations for reference - '*Good shopfront section and elevation*' (Figure 9 Appendix A) and '*Inappropriate shopfront section and elevation*' (Figure 10 Appendix A).

6.22 The guidance and in particular, the illustrations, convey design aspirations for historic shop frontages. The design therefore appears constrained to a historic typology, more often found in conservation areas. This Appeal site has a limited historic character/value in terms of the ground floor units.

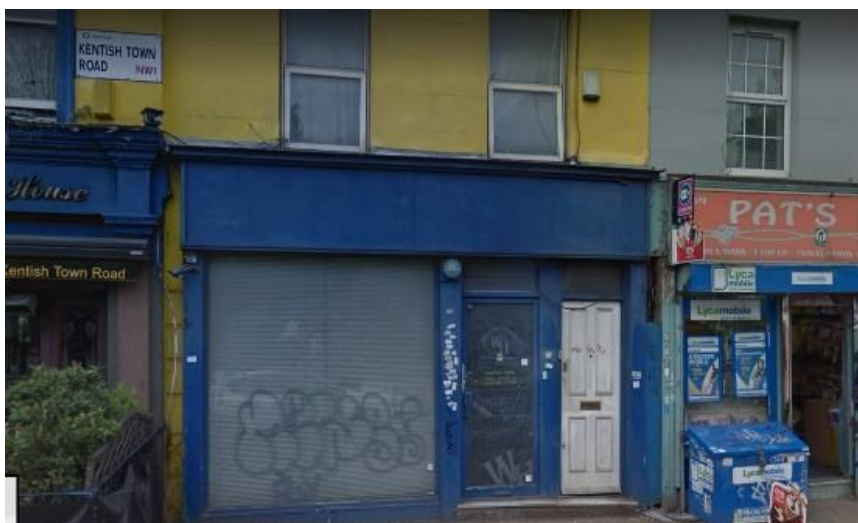
6.23 Kentish neighbourhood plan indicates that many parades of shops along KTR retain a very limited amount of the historic characteristics shown in the illustrations. The appellant considers that this observation accurately describes the parade and the appeal site.

6.24 A design assessment of criteria which is considered to be relevant provided below:

- *The fascia should be of a suitable size and proportion in relation to the building and should not normally extend above the cornice or below the capital as it would upset the overall balance and proportions of a shopfront or parade (see Figure 9 and Figure 10).*

The dimensions fit within the cornice and the capital as the guidance requires. The proportions of the signage are consistent with the other signs along the parade in term of height and width. The physical space for fascia signage along this stretch clearly defined and consistent on each shopfront (see below and overleaf).

Signage proportions along the parade





The signage at the appeal site does not exceed the fascia area. Although the fascia sign may initially appear prominent, this is the effect of the clean white background standing out from surrounding darker tones and weathered signage along the parade. The red lettering also stands out on the white background.

- *Fascia signs should not obscure or damage existing architectural features. Deep box fascias which project beyond the shopfront frame should be avoided.*

The signage is not considered to be 'deep' - the absence of a corbel/console bracket (removed historically) may increase the perceived depth of the sign but in fact this matches the depth of various other signs along the parade.

The council have indicated that the visible internal lighting strips behind the fascia *"detracts from the character and appearance of the host building"*. The appellant considers that element of the design is equivalent to the to the visual impact of

downlighters which are often used for externally illuminated signs. Neither are considered to have any impact whatsoever upon the appearance of the building.

- *Lettering on fascia signs should be proportionate to the scale of the shopfront. To aid identification, fascia signs should include the street number of the premises.*

The proposed letting is broadly similar in size to the surrounding signs. As already mentioned, the lettering appears prominent due to the contrast between the red letters and white background, specified to represent the Zing Zing brand.

A small selection of shopfront signs from the surrounding area are attached at Appendix B.

- *Where a shopfront and fascia extend across two or more shop unit bays, the removal of intervening pilasters are not acceptable as it would:*
 - *weaken the frame's visual support to the upper floors; and*
 - *disrupt the character and rhythm of a shopping frontage created by the widths of individual shopfronts.*

The signage only relates to a single shop frontage.

- *Lettering on fascia signs should be proportionate to the scale of the shopfront. Main fascias should also be of a suitable size and proportion in relation to the building and should sit between cornice and shopfront itself and should not project above or below the cornice level obscuring upper floor or shop windows.*

This has been addressed above.

- *Fascia and box signs should not obscure or damage existing architectural feature.*

The shop front does not contain any notable architectural features. This applies to most of the units along the parade, which have had much of their original fabric and detailing removed. The remaining original fabric is now of poor quality and has a low amenity value.

- *The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances.*

The fascia signage is contained within the proportions of the fascia area.

6.25 Local plan policy D1 'Design' seeks to secure high-quality development which "is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation" The LED lighting strip lighting inside provides a sustainable low energy lighting solution compared to traditional halogen bulbs.

Amenity of residents

6.26 In respect to the advertisement's harm to neighbouring amenities, Paragraph 7.1 of the delegated report states that the "*The strip lighting.... appears to be intermittently flashing, even though the drawing and applicant has confirmed that it is static internal illumination.*" The report goes on to indicate "*this could disturb residents at night and is therefore not in line with Camden Planning Guidance which stipulates that illuminated signs should not be flashing or intermittent and that internally illuminated box signs are discouraged.*"

6.27 In respect to neighbouring amenities, the council have referred to CPG 6 Amenity. This guidance state that planning permission will be required for "*illuminated advertisements, although there are some exceptions such as those indicating medical services and some commercial advertisements on the front of business premises (See Camden Planning Guidance 1 - Design).*"

6.28 The appellant reaffirms that the sign illumination is not flashing or intermittent. The Appellant would request that the Inspector visits the site at night (or dusk) to examine this issue. A photo of the sign at night is attached at Appendix B.

6.29 In respect to surrounding sensitive uses, residential properties opposite are over 20 from the sign and across a busy A-road. The sign's impact upon these residents would be no more than the surrounding street lighting.

6.30 It is not considered that the proposed illumination has any material impact upon residential amenities.

Third Party Representations

- 6.31 The only third-party representation received was from the chair of Durdans House. Durdans House is mansion block located approximately 80m north of the appeal site. The representation only appears to be concerned with the retrospective nature of the applications.

7.0 CONCLUSION

- 7.1 The appellant considers that the Council's reasons for refusal for both planning permission and advertisement consent are entirely unfounded.
- 7.2 The proposed decking to the front of the unit has minimal impact on the appearance of the shop and fits with the character of this parade of shops. The decked area segregates the shop from the pavement and provides an area for delivery bikes to be stored without interfering with the pedestrian walkway, without the need for permanent fencing as present at adjacent number 79.
- 7.3 The decking also comprises ramp into the shop to comply with policies requiring accessibility for all.
- 7.4 The decked area is therefore considered to be in accordance with Policy D1, D3 and C6, CPG 1 and Kentish Town Neighbourhood Plan policy D3.
- 7.5 The proposed fascia signage matches the size of surrounding shop signs and fits within the shop's specific proportions. The illumination is not flashing and has no material impact on surrounding amenities. The signage relates directly to the business in the unit and improves the legibility of the premises.
- 7.6 The sign is considered to enhance the appearance of this unit and the overall character of the parade of shops. The type of sign, together with its size and positioning is in accordance with policy D1, D3 and D4 guidance, CPG1, CPG6 and Kentish Town Neighbourhood Plan policy D3. It is therefore considered that the signage is acceptable in design terms and fits with the character and proportions of the shop frontage and street scene.
- 7.7 For the reasons outlined in this statement, the Appellant considers that retrospective development is fully compliant with the relevant development management policies contained within the Camden Local Plan.
- 7.8 The statement reaffirms that the proposed scheme complies with the London Borough of Camden's Development Plan policies and as such we therefore respectfully request that the Inspector allows the appeals accordingly.

Appendices

Appendix A

Previous Permitted Development Technical Guidance

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D3 'Shopfronts'.

This policy expects a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features.

When determining proposals for shopfront development the Council will consider:

- a. the design of the shopfront or feature, including its details and materials;*
- b. the existing character, architectural and historic merit and design of the building and its shopfront;*
- c. the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;*
- d. the general characteristics of shopfronts in the area;*
- e. community safety and the contribution made by shopfronts to natural surveillance; and*
- f. the degree of accessibility*

Policy D4 'Advertisements'

The Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.

We will support advertisements that:

- e. preserve the character and amenity of the area; and*
- f. preserve or enhance heritage assets and conservation areas.*

We will resist advertisements that:

- a. contribute to an unsightly proliferation of signage in the area;*
- b. contribute to street clutter in the public realm;*
- c. cause light pollution to nearby residential properties or wildlife habitats;*
- d. have flashing illuminated elements; or*
- e. impact upon public safety.*
- f. The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances.*

KENTISH TOWN NEIGHBOURHOOD PLAN

Policy D3: Design Principles

Applications for the development of new and the redevelopment of existing buildings (which may include demolition, alteration, extension or refurbishment) will be supported where they meet the following criteria:

- a. Proposals must be based on a comprehensive understanding of the site and its context*
- b. Proposals must be well integrated into their surroundings and reinforce and enhance local character, in line with paragraph 64 of the NPPF*
- c. Proposals must identify and draw upon key aspects of character, or design cues from the*
- d. surrounding area. Appropriate design cues include grain, building form (shape), scale,*
- e. height and massing, alignment, modulation, architectural detailing, materials, public realm*
- f. and boundary treatments*
- g. Design innovation will be encouraged and supported where appropriate*
- h. Design proposals must be of the highest quality and sustainable, using materials that*
- i. complement the existing palette of materials in the surrounding buildings*
- j. Proposals must enhance accessibility in buildings by taking into account barriers*
- k. experienced by different user groups.*

CPG1 - Design Chapter 7 Provides guidance for shopfronts

7.11

General principles

Shopfront alterations should respect the detailed design, materials, colour and architectural features of the shopfront and building itself, the following will need to be considered:

- Historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained. In some cases the reinstatement of missing features will be encouraged.*

- *New shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades.*
- *Shopfronts forming part of a larger new development should be considered as an integral part of the overall design.*
- *Standardised "house-style" frontages may have to be amended in order to harmonise with the surrounding context and respect the building, particularly in conservation areas and for listed buildings.*
- *All shopfronts should be designed to provide access into the premises for all.*

7.12 -
Entrances

- The design of the door should be in keeping with the other elements
- of the shopfront. The solid bottom panel should align with the
- stallriser. The top of the door should align with the transom.
- Decorative tiling should be retained.
- All new build shop units and shopfronts should be designed to be full accessible to everyone.
- In the case of existing buildings, particularly where a new shop front is proposed, the following guidance should be followed:
 - o Shops that have a change in level from pavement to shop floor surface can usually incorporate ramped access into or within the shop. Exceptions preventing a ramped area to be created may include the presence of structural beams or floor slabs.
- Entrance doors should be accessible to all, particularly wheelchair users and people with limited manual dexterity.
- 1000mm minimum clear door width in new buildings and 775mm door width in existing buildings where a new shop front or alterations to a shop front are proposed.
- to ensure that services are reasonably accessible to disabled people refer to Camden Planning Guidance on Access for all.

Fascias

- *The fascia should be of a suitable size and proportion in relation to the building and should not normally extend above the cornice or below the capital as it would upset the overall balance and proportions of a shopfront or parade (see Figure 9 and Figure 10).*
- *Fascia signs should not obscure or damage existing architectural features. Deep box fascias which project beyond the shopfront frame should be avoided.*
- *Lettering on fascia signs should be proportionate to the scale of the shopfront. To aid identification, fascia signs should include the street number of the premises.*
- *Where a shopfront and fascia extend across two or more shop unit bays, the removal of intervening pilasters are not acceptable as it would:

 - o *weaken the frame's visual support to the upper floors; and*
 - o *disrupt the character and rhythm of a shopping frontage created by the widths of individual shopfronts.**
- *Lettering on fascia signs should be proportionate to the scale of the shopfront. Main fascias should also be of a suitable size and proportion in relation to the building and should sit between cornice and shopfront itself and should not project above or below the cornice level obscuring upper floor or shop windows.*
- *Fascia and box signs should not obscure or damage existing architectural features.*

Figure 9. Good shopfront section and elevation

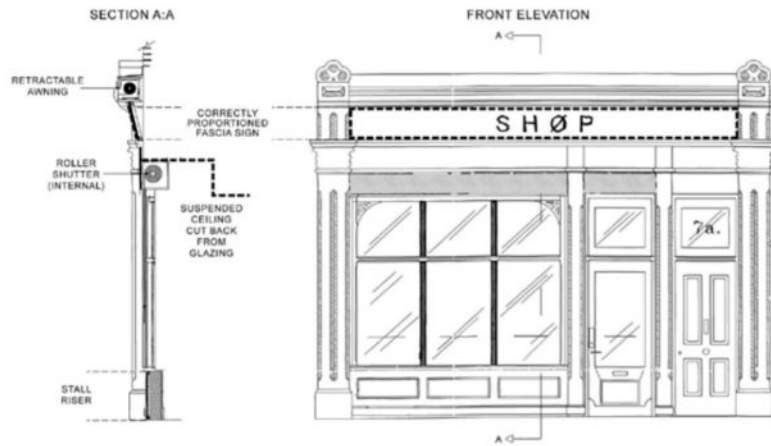
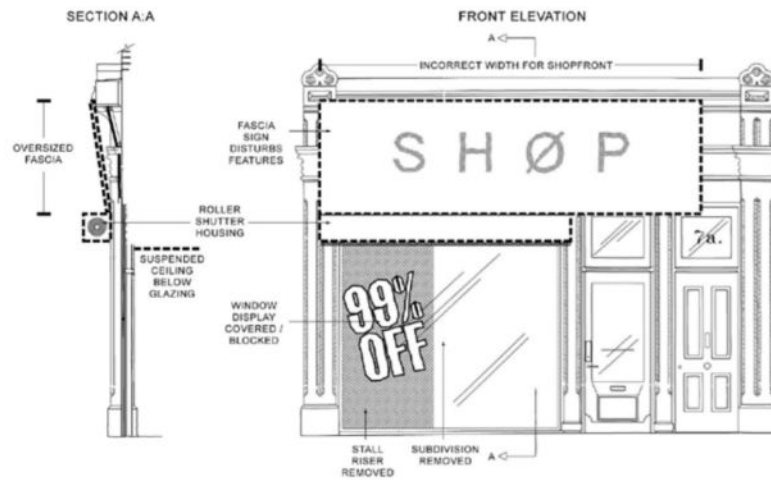


Figure 10. Inappropriate shopfront section and elevation



Appendix B

Local Context



Appeal Site - 81 KTR



167-169 KTR, NW1 8PD



239-241 KTR, Kentish Town, London NW5 2JT

The continued display of an internally illuminated fascia box sign measuring approximately 4.9m X 0.95m and at the height of 2.75m above pavement level.

Approval for Advertisement 14-04-1995
ref: 9480169



243 & 245 KTR, London NW5 2JT

The display of an internally illuminated fascia box sign measuring (approximately) 4.8 metres x 1.1 metres at an overall height of 4.3 metres above pavement level.

ref: CA3031/AD1906



210 KTR, London NW5 2AD



213 KTR, London NW5 2JU



186 -192 KTR, London NW5 2AE
Installation of a new shopfront.
ref: 26132



49 Fortess Rd, London NW5 1AD