



Statement of Case

Alterations to front elevation comprising residential door replacement and additional windows within existing shopfront stallriser

92 Fleet Road
LONDON
NW3 2QX

January 2018

Our ref: 1933/RCCH
London Borough of Camden ref: 2017/5028/P

Introduction

1. This Statement of Case (SoC) has been prepared by Plainview Planning Ltd in support of an appeal, by Mr & Mrs Steinhouse, against the decision of the London Borough of Camden to refuse to grant planning permission for "Alterations to front elevation comprising residential door replacement and additional windows within existing shopfront stallriser" at 92 Fleet Road, London, NW3 2QX.
2. The application was submitted to the Council on 8 September 2017 and was given the reference number 2017/5028/P. It was considered and determined by officers, under delegated powers, on 8 November 2017.
3. The decision notice contains one reason for refusal. This reads:

"The proposed shopfront stallriser and replacement door, by reason of their inappropriate design and materials would harmfully detract from the appearance and character of the host building and streetscene contrary to policies A1 (Managing the impact of development), D1 (Design) and D3 (Shopfronts) of the Camden Local Plan 2017."
4. Much of the appellant's case is contained in the Design and Access Statement (September 2017) that accompanied the original application and in correspondence with the case officer (20 September 2017 to 23 October 2017) while the matter was under formal consideration. To avoid repetition, it is requested that this Statement of Case be read alongside those documents.
5. This statement provides an outline of the relevant planning policy background and considers the impact of the proposed alterations on the building itself and on the wider street scene.

Planning Policy

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission and appeals to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this instance comprises the London Plan (consolidated with alterations since 2011) and the Camden Local Plan (adopted July 2017).

London Plan

7. As the London Plan deals with matters of strategic importance to Greater London, the Camden Local Plan is more directly relevant to the proposals the subject of this appeal.

Camden Local Plan

8. Policy A1 - 'Managing the impact of development' - seeks to protect the quality of life of occupiers and neighbours, balancing the needs of development with the needs and characteristics of local areas and communities. The need for sunlight and daylight is included among the factors that will be considered.

9. The explanatory text in paragraph 6.5 states:

"To assess whether acceptable levels of daylight and sunlight are available to habitable, outdoor amenity and open spaces, the Council will take into account the most recent guidance published by the Building Research Establishment (currently the Building Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011). Further detail can be found within our supplementary planning document Camden Planning Guidance on amenity."

10. Policy A5 and paragraphs 6.107-6.146 relate to 'Basement development'. Paragraphs 6.144-6.146 are specifically concerned with lightwells. Paragraph 6.144 states:

"Where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the building, the character and appearance of the surrounding area, or the relationship between the building and the street. In situations where lightwells are not part of the established street character, the characteristics of the front garden or forecourt will be used to help determine the suitability of lightwells."

11. Policy D1 - 'Design' - seeks to secure high quality design in development and sets out fifteen criteria that will be used to assess proposals. Criteria (a), (b), (e) and (f) are considered the most relevant to the appeal proposal. They require development to:

- Respect local context and character;

- Preserve or enhance the historic environment;
- Include details and materials that are of high quality and complement the local character; and
- Contribute positively to the street frontage.

12. The explanatory text includes the following statements:

- *"Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials". (para 7.5)*
- *"The insensitive replacement of windows and doors can spoil the appearance of buildings and can be particularly damaging if the building forms part of a uniform group". (para 7.9)*
- *"Schemes should incorporate materials of a high quality. The durability and visual attractiveness of materials will be carefully considered along with their texture, colour, tone and compatibility with existing materials. Alterations and extensions should be carried out in materials that match the original or neighbouring buildings, or, where appropriate, in materials that complement or enhance a building or area." (para 7.10)*

13. Policy D2 - 'Heritage' - requires development within conservation areas to preserve or enhance the character or appearance of the area, thus fulfilling the statutory requirement contained in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

14. Policy D3 - 'Shopfronts' - requires a high standard of design to be achieved in new and altered shopfronts, canopies, blinds, security measures and other features. Factors to be taken into consideration include:

- The details and materials;
- The existing character, architectural and historic merit and design of the building and its shopfront
- The relationship between the shopfront and the other floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell; and
- The general characteristics of shopfronts in the area.

Hampstead Neighbourhood Plan

15. The Submission Draft version of the Hampstead Neighbourhood Plan has been submitted by the Neighbourhood Forum to Camden Council. A six week consultation period ended in December 2017. The plan is now the subject of independent examination. When 'made' or adopted, it will also form part of the Development Plan for the area in which the appeal site is located.
16. Map 9 of the draft Neighbourhood Plan shows a proposed extension to South End Green Neighbourhood Centre, which includes nos. 90-106 Fleet Road.
17. Policy EC1 seeks to enhance the vitality and viability of Hampstead Town Centre and South End Green Neighbourhood Centre.
18. Policy EC2 supports new shop fronts or alterations to existing shop fronts where the proposals respect the proportions rhythm and form of original frontages.

Mansfield Conservation Area Appraisal and Management Strategy (2008)

19. The Mansfield Conservation Area Appraisal divides the conservation area into two sub-areas of distinctly different character. Sub Area 1 is Fleet Road. This is described as *"a busy, one way road, urban in character which contains commercial premises and retail units mixed with residential properties"*. Sub Area 2 is the Late Victorian core. This sub area is *"predominantly residential in character and is laid out on a loose grid pattern with long roads running from east to west and shorter roads running from north to south"* (p.6).
20. The appeal site and the neighbouring buildings are described as follows:

"Nos. 94 - 106 has a parade of shops at ground floor level. These properties are likely to have been designed as shop units as they retain York stone paving to the front forecourt areas and decorative corbels and fascias to some properties, although no original shopfronts remain. Above the shop units are fairly plain Victorian façades with sash windows and decorative brickwork parapets. The character of this parade has been eroded in part by the painting of brickwork and the addition of internally illuminated projecting box and fascia signs." (p.13)

"Nos. 92-88 are 2 pairs of brick built Victorian buildings either side of the junction with Cressy Road with purpose built shopfronts. The two upper floors contain tripartite sash windows with round headed stucco arches and gable roofs. No. 86 has had its shopfront removed and a roof extension added. No. 88 is a rather inappropriate interpretation of the group." (p.13)
21. Appendix 4 states that *"there are no shopfronts left in the conservation area that are noteworthy for their historic or architectural interest"* (p.18).
22. Appendix 5 deals with the streetscape and notes that York stone paving is an original feature of the area. The appendix identifies a surviving area of York Stone paving at

Nos. 148-152 Fleet Road but, elsewhere in this road, the paving has been replaced with precast concrete.

23. The Conservation Area Management Strategy includes the following statements:

"High quality design, appropriate scale, form and materials and high quality execution will be required of all new development, including smaller alterations such as shop fronts, signage, and extensions which can harm the character and appearance of the area to an extent belied by their individual scale". (p.25)

"The introduction of basement lightwells to properties along Fleet Road which are likely to have been originally designed as shop units can lead to an uncomfortable relationship between railings and lightwells and front elevation, and can erode the uniformity of the building line and pavement width. They are therefore likely to be resisted by the Council." (p.30)

24. Further policy guidance can be found in four Supplementary Planning Documents (SPDs).

Camden Planning Guidance (CPG) 1 Design

25. Section 7.12 of the SPD deals with shopfronts. It defines stallrisers as:

"...solid elements below shop windows. They form a base to the shopfront display, and prevent the glazing from being damaged or soiled. Stallrisers should be retained and generally incorporated to any new shopfront on a period buildings." (p.66)

"Where stallrisers are provided, they should be at least 300mm high or to the top of the pilaster base or door panel and faced in appropriate materials for the context. They should not provide ledges that can be sat upon. Glazing should be brought to the front of a stallriser." (p.67)

26. Further advice is provided on lightwells and grilles.

"Pavement lights or small lightwells covered with metal grilles are typically found in front of shopfronts. These provide light into the areas beneath whilst allowing shoppers close inspection of the window display. Creating open lightwells with railings in front of a shopfront is not generally acceptable as it prevents window shopping and disrupts the buildings relationship to the rhythm of the street. This is also the case if the shopfront has been converted into residential accommodation." (p.67)

Camden Planning Guidance 2 Housing

27. Section 4 of this SPD deals with residential development standards. The guidance on basements begins:

"All rooms within a basement should be able to function for the purpose of which they are intended. They should have an adequate size, shape, door arrangement, and height, insulation from noise and vibration, and access to natural lighting, ventilation and privacy..."
(Para 4.26)

Camden Planning Guidance 4 Basements and Lightwells

28. Section 2 of this SPD deals with lightwells. The guidance states:

"The building stock in Camden is varied. Some areas contain basements developments that include front lightwells taking up part, or all, of the front garden. Other areas do not have basements or lightwells that are visible from the street. The presence or absence of lightwells helps define and reinforce the prevailing character of a neighbourhood." (Para 2.18)

"Where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the building, or the character and appearance of the surrounding area, or the relationship between the building and the street. In situations where lightwells are not part of the established street character, the characteristics of the front garden or forecourt will help to determine the suitability of lightwells." (Para 2.19)

Camden Planning Guidance 6 Amenity

29. Section 6 of this SPD deals with daylight and sunlight. Paragraph 6.3 states:

"The Council expects that all developments receive adequate daylight and sunlight to support the activities taking place in that building." (p.31)

National Planning Policy Framework

30. The National Planning Policy Framework (NPPF) will be also be a material consideration in the determination of this appeal. Section 7 of the Framework deals with the requirement for good design and Section 12 deals with conserving and enhancing the historic environment.

31. A conservation area falls within the Framework's definition of a heritage asset. Paragraph 128 requires an applicant/appellant to describe the significance of any heritage assets affected (as in paragraphs 19-22 above).

32. *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."* (Para 132)

33. *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."* (Para 134)

Evaluation

34. The proposed alterations have been designed to meet the need to provide adequate natural daylight in the basement of the building (please see the Design and Access Statement and correspondence with the local planning authority's case officer). The daylight assessment, referenced on page 8 of the Design and Access Statement and attached to this appeal statement (Appendix 8), has concluded that the proposals will exceed the minimum requirements of the Building Research Establishment and British Standards. The plans have also been examined and were passed as complying with the Building Regulations on 6 December 2017 (copy attached at Appendix 9). Therefore, it is clear that the proposed alterations will deliver an acceptable level of daylight to the basement in accordance with Policy A1 of the Local Plan, paragraph 4.26 of CPG2 Housing and paragraph 6.3 of CPG6 Amenity.
35. The appellant's architect has followed the Conservation Area Management Strategy by recognising that the introduction of an open lightwell for the basement would have led to an uncomfortable relationship between railings and lightwell and the front elevation of the building. It would have also eroded the uniformity of the building line and the pavement width along this part of Fleet Road. Instead, the characteristics of the existing existing shopfront and forecourt have been carefully considered and a solution has been found that is discreet, does not harm the architectural character of the building, the character and appearance of the surrounding area or the relationship between the building and the street. Therefore, the proposal accords with the guidance contained in paragraph 6.144 of the Local Plan and on page 67 of CPG1 Design .
36. With the exception of the building line and the pavement width, the Conservation Area Appraisal does not specifically identify any uniformity in the townscape of Sub Area 1 Fleet Road. This is in marked contrast to Sub Area 2, where *"the tree-planted streets contain solid three-storey Victorian family houses of remarkable uniformity which have kept their original external features, and provide a coherent example of late 19th century urban residential development"*. Nor is there uniformity in the terrace that includes the building the subject of this appeal (see paragraph 20 above and site photographs in Appendix 9). Consequently, the proposed replacement of a panelled timber door with a glazed door and the installation of additional windows within the shopfront stallriser will not damage the appearance of this group of buildings.
37. CPG1 Design states that stallrisers should be *"faced in appropriate materials for the context"*. The *"timber, stone and render"* and *"glazed brickwork or tiling"*, quoted in

paragraph 4.2 of the planning officer's report, appear in the following section of the guidance that deals with 'Colour and materials'. That section relates to shopfronts generally and not specifically to stallrisers.

38. The proposed materials are compatible with the existing materials found on the building. As stated in the architect's correspondence with the case officer on 22 September 2017, *"No material is proposed which, in form and detail, is not used already in the existing shopfront and the inappropriate painted slate hanging is replaced, thus enhancing the Conservation Area"*.
39. The proposal will preserve and enhance the character and appearance of the Conservation Area and accord with Policies D1 and D2 of the Local Plan.
40. From the planning officer's delegated report (Appendix 11), it is noted that no objections were received in response to publicity or formal consultation on the application. There were no comments from the Mansfield Conservation Area Committee, or from an officer or adviser with specialist knowledge and experience of working with the historic environment.
41. The relationship between the shopfront and other floors of the building and between the shopfront and the forecourt were considered carefully at the design stage. The existing and proposed elevations and plans show minimal changes to the shopfront and no changes to the forecourt of the building. The existing glass blocks and concrete paving on the forecourt will remain unaltered for the reasons given in paragraph 35 above.
42. As recognised in Appendix 4 of the Conservation Area Appraisal and Management Strategy, there are no shopfronts in Fleet Road or in any other part of the conservation area that are noteworthy for their historic or architectural interest.
43. Therefore, the proposed development accords with Policy D3 of the Local Plan and Draft Policy EC2 of the emerging Neighbourhood Plan.
44. The proposed development will have minimal impact on the significance of the Conservation Area as an example of late 19th century urban residential development. The proposal will not result in any harm to the significance of the Conservation Area, but it will secure the optimum viable use of the building. Therefore, the proposal accords with paragraphs 132 and 134 of the NPPF.

Conclusion

45. Applications for planning permission and appeals must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the relevant development plan document is the Camden Local Plan 2017. Material considerations include the draft Hampstead Neighbourhood Plan, Mansfield Conservation Area Appraisal and Management Strategy, Camden Planning Guidance 1 Design, Camden Planning Guidance 2 Housing, Camden Planning Guidance 4 Basements and Lightwells, Camden Planning Guidance 6 Amenity and the NPPF.
46. The above assessment has found that the appeal proposals accord with Policies A1, D1, D2 and D3 of the Local Plan. The proposals also accord with the Conservation Area Management Strategy and relevant parts of the emerging Neighbourhood Plan, Camden Planning Guidance and the NPPF.
47. Paragraph 14 of the NPPF contains a presumption in favour of sustainable development which, for decision-taking, means approving development proposals that accord with the development plan without delay.
48. In light of the above, the Inspector is respectfully requested to allow this appeal.

List of Appendices

1. Relevant Policy extracts from the Camden Local Plan 2017
2. Relevant extracts from the Submission Draft Hampstead Neighbourhood Plan
3. Mansfield Conservation Area Appraisal and Management Strategy (2008)
4. Camden Planning Guidance 1 Design
5. Camden Planning Guidance 2 Housing
6. Camden Planning Guidance 4 Basements and lightwells
7. Camden Planning Guidance 6 Amenity
8. Internal Daylight Amenity Report - September 2017 - Point 2 Surveyors Ltd
9. Building Regulation Approval Letter - 6 December 2017
10. Site Photographs
11. Planning Officer's Delegated Report