

**WRITTEN REPRESENTATIONS APPEAL STATEMENT**

**SECTION 78 THE TOWN AND COUNTRY PLANNING ACT 1990**

**(AS AMENDED)**

APPELLANT : SHU JIE LIMITED OF FLAT 322 WEST CARRIAGE ROYAL  
CARRIAGE MEWS, LONDON, SE18 6GB

SITE : 25-26 RED LION STREET, LONDON, WC1R 4PS

DEVELOPMENT : ERECTION OF CANOPY WITHIN REAR GARDEN  
(RETROSPECTIVE).

LPA REFERENCE : 2018/4645/P

APP. DATE : 31 OCTOBER 2018

DECISION DATE : 13 DECEMBER 2018

DATE : 22 JANUARY 2019

Prepared by:

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## **1. Introduction**

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- 1.1 This Appeal Statement has been prepared by OPS Chartered Surveyors in support of a planning appeal made against the refusal of planning application 2018/4645/P by London Borough of Camden on 13 December 2018, for the following proposal at 25-26 RED LION STREET, LONDON, WC1R 4PS (“the Property”):

*“ERECTION OF CANOPY WITHIN REAR GARDEN (RETROSPECTIVE)”*

- 1.2 This Appeal Statement sets out the Appellant’s case in support of the proposed erection of canopy within rear garden. It will provide an assessment of the development in relation to planning policy and other material considerations.

## **2. Site Description and History**

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2.1 The appeal site (No.25/26) is located on the eastern side of Red Lion Street close to its intersection with Princeton Street. The site comprises two x four-storey (with basement) mid-terraced buildings, with the basement and grounds floors being in use as an established lawful Class A3 restaurant. The restaurant element forms the subject property of this appeal. The upper floors are occupied as Class A3 residential accommodation. The surrounding area within which the site is located is characterised by a mixture of retail, commercial and residential uses. The site is located within the Bloomsbury Conservation Area.

2.2 An 8.5 metres by 6 metres canopy structure with maximum 3 metre height is erected mainly within the rear courtyard garden of the ‘No. 26’ half of the appeal property. The canopy structure, which is the subject of this appeal, features a ridge roof with timber beams and perspex sheeting construction, and which drops to a relatively low eaves height of 2.2 metres. This eaves height is such that it does not project above the boundary wall on the northern side of the rear courtyard garden. The canopy structure encloses a timber decking and ancillary rear garden seating/dining area for patrons accessing the host restaurant.

2.3 The appellant sought the retention of the canopy structure by way of a retrospective planning application (with reference 2018/4645/P) back in September 2018. The Council subsequently refused to grant planning permission for the application on 13 December 2018 and warned of enforcement action to be taken in respect of the canopy structure. Copies of the decision notice and Officer delegated report for the refused planning application are appended with this statement.

### **3. Planning Legislation and Policy**

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- 3.1 Section 70 (2) of the Town and Country Planning Act 1990 requires the decision-maker to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations; and Section 38 (6) of the Planning and Compulsory Purchase Act requires the decision-maker to decide the matter in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The following plans are relevant to this case:
- The London Plan March 2016
- Camden Local Plan 2017
- Policy A1 Managing the impact of development
- Policy A2 Open Space
- Policy D1 Design
- Policy D2 Heritage
- Camden Planning Guidance
- CPG1 Design (July 2015, updated March 2018)
- CPG Amenity (March 2018)
- Bloomsbury Conservation Area Statement 2011
- 3.3 The National Planning Policy Framework (July 2018) (NPPF) is also of relevance to this case.

#### **4. Case for the Appellant**

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The appellant submits respectfully that the Inspector should allow this appeal against the refusal of the planning permission and grant planning permission for the retention of the single storey canopy structure in the rear garden of the appeal property for the following reasons:-

- 4.1 Notwithstanding the relatively extensive depth of the rear canopy structure, it is instructive to note that it is only at single storey level. The host appeal building that the canopy structure is attached to is at four storey level. The building is actually formed from a pair of two mid-terraced properties and as such, has an extensive width relative to the adjoining properties in the host terrace. Given that the width of the subject rear canopy structure does not even extend across the full width of one half of the building, the rear canopy structure therefore appears clearly as a modest and proportionate addition to the size and scale of the host building. As such, the appellant submits that the rear canopy structure does not detract from the character and appearance of the host building, immediate vicinity and wider Bloomsbury Conservation Area.
- 4.2 The subject rear canopy structure has an eaves height of 2.2 metres and maximum ridge height of 3 metres. The eaves height of the canopy structure aligns with the height of the boundary walls of the appeal site. As such, the boundary walls enclose a greater section of the canopy structure from views from the public realm, with the glazed roof of the structure projecting only 0.8 metres above the boundary walls. The appellant submits that this projection of 0.8 metres is such that it does not make the structure to appear visually obtrusive and/or incongruous in the immediate vicinity and wider Bloomsbury Conservation Area.
- 4.3 The rear canopy structure consists of a wholly glazed roof and mainly timber-framed exterior with decorative ceiling features. The appellant submits that these materials do not constitute traditional materials that would otherwise have conferred a degree of permanence in terms of appearance. The appellant submits that the glazed roof is not incompatible with the bricked facade of the host appeal building, and that the timber-framed exterior is such that it satisfactorily complements the landscaped appearance and nature of the rear garden it is situated within. As such, the appellant submits that the design of the rear canopy structure is such that it preserves the character and appearance of the wider Bloomsbury Conservation Area.
- 4.4 The Council contends in the planning application notice that the near total coverage of the rear garden by the subject rear canopy structure is such that it detracts from the established character and appearance of the host building, site and wider Bloomsbury Conservation Area. The appellant however submits that the given the commercial nature of the established lawful Class A3 restaurant use in the host building, it is not uncommon for an ancillary structure such as the subject canopy to have a near total coverage of the rear garden. The appellant submits that the Inspector would note this as a characteristic feature at nearby sites, which consist of retail and commercial uses.

## **5. Conclusion**

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5.1 The appellant kindly request Inspector to allow this appeal against the refusal of the planning permission and grant planning permission for the retention of the single storey canopy structure in the rear garden of the appeal property for the reasons mentioned in section 4 above.

5.2 In additional to the above it worth noting that the canopy structure in and of itself does not wholly facilitate the use of the host rear garden area as an ancillary and extended seating/dining area for what was suggested by the LPA as 'at table' cooking, which would cause unacceptable harm to the amenity of surrounding residential occupiers because most of the cooking is carried out within the A3 restaurant property. Where impact is being caused by any activities within the canopy structure is kept to minimal or near to non-existence.

5.3 In view of the above, the appellant believes the proposal itself is not as negative as the LPA has suggested in their decision notice and report, therefore the appellant sincerely asks the inspector to reconsider all the facts and grounds listed above so to enable him/her to make a positive decision and to allow this appeal.

## **6. Appendices**

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Decision Notice for Refused Planning Application (Ref 2018/4645/P)

Delegated Report for Refused Planning Application (Ref 2018/4645/P)

Planning Application Drawings (Ref 2018/4645/P)

Application Form (Ref 2018/4645/P)