

PLANNING SERVICES

**TOWN AND COUNTRY PLANNING (ENFORCEMENT) (DETERMINATION
BY INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2002**

**PROOF OF EVIDENCE OF ANNA FORESHEW
FOR PUBLIC INQUIRY COMMENCING ON 1 October 2019**

APPEAL SITE

101 Brecknock Road, London N7 ODA

APPELLANT

Bryanston Investments Limited

SUBJECT OF APPEAL

Appeal under section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 (as amended) against an enforcement notice issued by the London Borough of Camden on 18 June 2018. The Enforcement notice alleged a breach of planning control comprising the alterations to the shopfront and the change of use of the public house to form a retail convenience store without a planning permission

LPA REF: EN17/0004

PINS REF: APP/X5210/C/18/3207640

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1. INTRODUCTION

- 1.1. I, Anna Foreshew, have prepared this proof of evidence for presentation at the Public Inquiry into the appeal. I hold a Bachelor of Arts degree in History of Art and Architecture from the University of East Anglia, and a Master of Science degree in Historic Conservation from Oxford Brookes University.
- 1.2. I have worked in the historic environment since 2009, and have been employed by the Society for the Protection of Ancient Buildings (SPAB), the Heritage of London Trust, and Essex County Council as a Historic Buildings Advisor. Since January 2019, I have been employed as a Conservation Officer by the London Borough of Camden.
- 1.3. This proof of evidence provides my professional view on the unauthorised operational development comprised in the alleged breach of planning control recorded in paragraph 3 of the enforcement notice the subject of this appeal, issued by the Council on 15 June 2018 ("the Enforcement Notice"). Specifically, the alterations to the ground floor of the building at 101 Brecknock Road ("the Building")
- 1.4. Paragraph 4 of the Enforcement Notice sets out the Council's three reasons for issuing the Notice. My evidence addresses the first of those reasons, namely:
 - "1. *The insensitive enlargement of the historical windows and removal of the traditional door is considered to have caused a visual harm, which has materially affected the character and appearance of the historic pub, shopfront and street scene contrary to policies D1, D2, D3 and C4 of the London Borough of Camden Local Plan 2017 and CPG 1 (Design 2015 updated March 2018).*"
- 1.5. I am familiar with the appeal site. The evidence which I have prepared and provide for this appeal reference APP/X5210/C/18/3207640 in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

2. STRUCTURE OF THIS PROOF

2.1. My evidence will be divided into five sections:

- In Section 3, I summarise the national and local planning policies and guidance relevant to the design issues resulting from the alterations to the shopfront raised in my assessment.
- In Section 4, I address relevant aspects of the character and appearance of the site and its surroundings.
- In Section 5, I provide my assessment of the design of the unauthorised development with reference to the policies and guidance summarised in Section 3.
- In Section 6, I will provide my response to the Appellant's Statement of Case.
- In Section 7, I summarise and conclude the arguments made in this Proof of Evidence.

2.2. I provide a list of Appendices referred to in this Proof of Evidence in Section 8.

2.3. Please refer to the proof of evidence of my colleague, Ramesh Depala, for all other matters relating to the determination of the appeal.

3. RELEVANT LEGISLATION, POLICY AND GUIDANCE

- 3.1. In this section, I have reviewed the national, regional and local policy and guidance, which is of relevance to the issues that are the focus of my evidence. It should be noted that conservation of the historic environment is enshrined at all levels of policy and guidance.
- 3.2. Please refer to the Statement of Common Ground for a full list of relevant national and local planning policies.

National Planning Policy Framework (NPPF) February 2019

- 3.3. Paragraph 130 of the National Planning Policy Framework ("the Framework" or "the NPPF") states that planning should always seek to secure high quality design:

"Permission should be refused for 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, taking into account any local design standards or style guides in plans or supplementary planning documents."

- 3.4. The design considerations of this development are discussed in Section 5.
- 3.5. The Secretary of State's Planning Practice Guidance ("PPG") on Design (Ref ID: 26), which supports the Framework, states (at paragraph 26-27) that:

"The quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows ... and decorative features." (Design, paragraph 27)

- 3.6. The building at 101 Brecknock Road ("the Building"), is considered by the Council to be a heritage asset.
- 3.7. A 'heritage asset' is defined in the Annex 2 Glossary of the Framework as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning"

decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."

3.8. Paragraph 184 of the Framework, explains heritage assets in more detail:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

This supports the need to conserve heritage assets.

3.9. Heritage assets can be designated or non-designated. The Building is not a designated heritage asset under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Therefore, it is a non-designated heritage asset.

3.10. Non-designated heritage assets are defined in the Secretary of States Planning Practice Guidance ("PPG") as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."

3.11. Paragraph 197 of the Framework states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

3.12. In determining the value of this non-designated heritage asset and the impact of the development on it, consideration will be given to the matters that give significance to the asset in Section 4 of my evidence.

London Plan 2016

3.13. Also relevant to this case is the London Plan 2016 (updated January 2017), which states in Policy 7.8(D):

"Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail."

Camden Local Plan 2017

3.14. The Council adopted the Camden Local Plan in July 2017. The Local Plan policies germane to my evidence are addressed below.

Policy C4 (Public Houses)

3.15. This policy states that:

"Many pubs are valued for their architectural interest, historic fabric and contribution to the character and townscape value of the local area, for example through their distinctive signage, windows or fittings"

and

"Where the Council agrees to the conversion of a public house, we will seek the retention of significant features which contribute to the building's character and heritage value".

Policy D1 (Design)

3.16. This policy states that 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;*
- e) *comprises details and materials that are of high quality and complement the local character; and integrates well with the surrounding streets.*

3.17. Paragraph 7.2 of the supporting text to Policy D1 states:

"The Council will require all developments, including alterations... to existing buildings, to be of the highest standard of design and will expect developments to consider:

- *the impact on existing rhythms, symmetries and uniformities in the townscape;*
- *the composition of elevations ... "*

3.18. Paragraph 7.4 of the supporting text to Policy D1 states:

"Good design takes account of its surroundings and preserves what is distinctive and valued about the local area.'

3.19. Paragraph 7.9 of the supporting text states:

"... Architectural features on existing buildings should be retained wherever possible, as their loss can harm the appearance of a building by eroding its detailing. 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."

3.20. Paragraph 7.10 of the supporting text to the same policy states:

"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."

3.21. Paragraph 7.11 of the supporting text to the same policy states:

"Building facades should be designed to provide active frontages and respond positively to the street. Active frontages are building facades that allow people on the street to see inside the building ... "

3.22. Paragraph 7.43 of the supporting text states:

"The Council recognises that development can make a positive contribution to, or better reveal the significance of, heritage assets and will encourage this where appropriate."

Policy D2 (Heritage)

3.23. This policy states that the Council will seek to protect heritage assets, including non-designated heritage assets (whether or not they are included on the Council's Local List). In relation to non-designated heritage assets, the policy highlights that:

"The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset."

Policy D3 (Shopfronts)

3.24. Public houses are a form of retail establishment that are licensed to sell alcoholic drinks for consumption on the premises. The Council do not have a specific design guidance for public house frontages but as a form of shop, it would be captured under this policy. This policy states that the Council will expect a high standard of design in new and altered shopfronts and other

features. Where an original shopfront of architectural or historic value survives, in whole or in substantial part, there will be a presumption in favour of its retention.

3.25. Moreover, the policy explains that the Council will seek to protect existing shopfronts that make a significant contribution to the appearance and character of an area, for example through their architectural and historic merit. The policy also states that the Council will consider the need to keep the appearance of the shopfront, taking into account the quality of its design, its historic importance and its location.

3.26. The policy goes on to say in paragraph 7.7 that:

"If a shopfront is replaced or altered, the design should respect the characteristics of the building and, where appropriate, shopfront windows and framework features, such as pilasters, fascias and console brackets, should be retained or restored". The same policy states that the relationship between the shopfront and the upper floors of the building and surrounding properties should be considered."

Camden Planning Guidance - Design (March 2019)

3.27. Camden Planning Guidance forms a supplementary planning document which is an additional "material consideration" in planning decisions.

3.28. The following paragraphs of the Camden Planning Guidance – Design ("CPG Design") are relevant to my evidence and are discussed further in Section 5 (below). Whilst the 2019 update of the CPG was adopted after the enforcement notice was issued, the relevant sections are not materially different to the July 2015 (updated March 2018) version.

3.29. Paragraph 3.48 of CPG – Design highlights that:

"... The Borough also has many attractive, historic, locally significant buildings and features which contribute to the distinctiveness of local areas, but which are not formally designated. The National Planning Policy Framework (NPPF) identifies these features as non-designated heritage assets (NDHAs)."

3.30. Paragraph 3.49 goes on to state that:

"Often it is the commonplace things that give character to an area, but they may be overlooked because of their familiarity. Pubs, shops, places of meeting, places of worship, benches, statues, whether subtle or idiosyncratic, all contribute to the particular character of a place. They add depth of meaning and make a place special for local people, by acting as a visual marker for the local history, traditions, stories and memories that survive into the present day".

3.31. Paragraph 3.50 states that:

"Non-designated heritage assets may either be identified as part of the planning process (e.g. pre-application process) or on Camden's Local List".

3.32. Paragraph 3.56 states:

"Unlike proposals that will affect designated assets (such as statutorily Listed Buildings) being identified as a non-designated heritage asset (either identified on the Local List or as part of the planning process) does not automatically affect your permitted development rights. However if planning permission is required for any proposal that would either directly or indirectly affect the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application".

3.33. In the same section, it highlights that:

"The Council will seek to protect non-designated heritage assets (NDHA). The effect of a proposal on the significance of a NDHA will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset, including guidance set out in section 3.4 of this document".¹

¹ It should be noted that the 2019 guidance states that the public benefit will be considered; the 2018 version, now superseded, did not.

- 3.34. Paragraph 5.4 states that alterations in non-residential development should "always take into account the character and design of the property and its surroundings", and "closely matching materials and design details are usually more appropriate to ensure the new work blends with the older parts of the building".
- 3.35. In paragraph 5.5, it states that the Council wishes to ensure that the positive attributes of buildings with architectural merit, including Non-Designated Heritage Assets, are retained wherever possible.²
- 3.36. In paragraph 5.6, the CPG - Design states that:

"Where individual elements of buildings are being replaced or upgraded as part of maintenance work, materials should be used that respect the character and architectural integrity of existing buildings. The use of like-for-like replacements will often be the most appropriate design response to ensure that the overall design quality and composition of an existing building or group of buildings is not compromised. Any existing decorative features... will normally make a positive contribution to a building's appearance and the wider amenity of the area and therefore should be retained or restored."

² CPG 1 Design (2015) is not drafted in the same way as CPG – Design (2018). Instead, it lists the elements of the building i.e. windows, doors, and materials. However, for each of these features, the previous version of the CPG stated that they should be retained wherever possible.

4. SITE AND SURROUNDINGS

- 4.1. A description of the appeal site and its surrounding is provided in the Statement of Common agreed by the Appellant and the Council. This section of my evidence supplements that section.
- 4.2. The Building at 101 Brecknock Road, is a substantial property occupying a prominent corner plot on Brecknock Road at its junction with Torriano Avenue. It is visible from a number of vantage points including more distant views in both directions along Brecknock Road. The surrounding area is primarily residential.
- 4.3. The Building dates from the mid-19th century, and is typical of Victorian buildings of this date in the area. They are typically classical in architectural style with stucco detailing. They also have a regular, formal appearance and tend to have symmetrical facades. They also have decoration such as the pediments supported on console brackets above windows and the cornice detail at parapet level.
- 4.4. These buildings also have a strong sense of uniformity.
- 4.5. The windows are generally timber, sash, recessed, and in keeping with the proportions of the building. The doors are generally timber, panelled and painted. The buildings tend to be constructed of stock brick.
- 4.6. The Victorian development in the area is interspersed with 20th century housing. At the north end of Torriano Avenue, for example, there is 20th century terrace housing built between the Victorian terraces. The 20th century development is considered to integrate with the established character along the street because it has considered the local character, for example, the use of traditional materials, the uniformity of the design, the arrangement of the fenestration, the storey height and the parapet detail.
- 4.7. On Brecknock Road, there is a more varied character locally. Despite this, the developments in general still responds to the earlier architectural language. For example, adjacent to the Building, on the north side of Brecknock Road, is

a 20th century housing development. The uniformity of the design, the use of brick, and render hark back to the earlier development. There is a clear link in character when viewing the Building within the street scene.

Non-Designated Heritage Asset

- 4.8. As previously mentioned, the Council considers the Building to be a non-designated heritage asset. Whilst it is not on Camden's Local List, which identifies non-designated heritage assets within the Borough, the Building meets the minimum number of criteria that are used to assess buildings for the Local List. The application of those criteria to the Building is addressed below.
- 4.9. It should be noted that the Camden Local List was adopted in 2015 and the inclusion on the List is based largely on nominations. The Local List is not a definitive review of every building in the Borough. Likewise, it cannot be assumed that the absence from the Local List necessarily means that a building has been considered for inclusion and rejected, or that it should not be treated as a non-designated heritage asset. As stated above (at paragraph 3.22), Local Plan Policy D2 (Heritage) advises that the Council will protect non-designated heritage assets, including those on and off the Local List.
- 4.10. The Council considers the Building as a non-designated heritage asset because the Building has townscape, architectural, and historical significance. The following paragraphs consider these aspects of the Building's significance.

Townscape Significance

- 4.11. The Building was a former public house called The Leighton. Public houses are among the most ubiquitous of building types, are generally easily identifiable, and instantly recognisable. However, when the design of a public house frontage is unsympathetically altered, this not only has the potential to harm its character, and the building as a whole, but as a consequence of being a distinctive building, it also has the potential to harm the local townscape.

4.12. The following section establishes the townscape significance of the Building:

- (a) The Building occupies a corner plot, at a junction, giving it prominence in the townscape.
- (b) The Building projects forward of the Building line of the adjoining terrace along Brecknock Road.
- (c) It is visible from a number of vantage points including more distant views in both directions along Brecknock Road.
- (d) The Building stands slightly taller than its adjoining neighbours on Brecknock Road.
- (e) It is a substantial building with multiple frontages: Three bay elevations on both Brecknock Road, and Torriano Avenue; a splayed corner elevation; and a return elevation on Brecknock Road.
- (f) The topography of the land on which the Building stands means the Building is slightly taller than its contemporaries along the adjoining terrace on Brecknock Road.

4.13. Given the townscape significance of the Building, alterations to design would need to carefully reflect, and respond to the Building's character and appearance, rhythms and organisation, and acknowledge the adjoining properties.

4.14. The Building's townscape significance is further supported in the appeal decision dated 11 December 2015 (PINS Ref: APP/X5210/W/15/3095242), where the Planning Inspector, Christa Masters MA (Hons) MRTPI, described 101 Brecknock Road as a "*prominent building in the overall street scene*".

Architectural Significance

- 4.15. The Council considers the public house frontage to be architecturally significant. This architectural significance has been harmed by the unauthorised works, and an assessment of these works will be discussed below in Section 5.
- 4.16. Before these works, the Building retained traditional features of 19th century public house frontage design. For example, timber panelled stall risers, window openings in keeping with the character of the building, and entrance doors set back from the edge of the pavements. It should be noted that a stall riser is an intrinsic feature of traditional public house frontages. Furthermore, the historic architectural frame was largely intact. The loss of the feature, as well as the architectural details stated above would impact negatively on architectural significance. Given that the public house frontage enhances the character of the Building as a whole, alterations would impact the Building negatively.
- 4.17. Signs are also an important part of the architectural significance of the public house frontage. As a result of the unauthorised works, the traditional hanging sign and the lettering on the fascia has been removed.

Historical Significance

- 4.18. Most of Camden's town and neighbourhood centres date back to the 19th century. This Building was built in the mid-19th century as part of the Victorian development of this part of Kentish Town.
- 4.19. As a public house, the appeal property played an important community and cultural role, bringing members of the community together. For example, newspaper articles from the mid- to late-19th century refer to the public house as being in the centre of the neighbourhood, "highly respectable", and provided a place for sporting events i.e. billiard matches, and even inquests.
- 4.20. The appeal decision dated 11 December 2015 (PINS Ref: APP/X5210/W/15/3095242) considered that the development to the Building,

including the refurbishment of the ground floor, would not effect the long term retention of the public house stating it "served a local community need". Despite the alterations permitted by that appeal, the key qualities which made the Building of its time, still prevailed immediately prior to the unauthorised development subject of this appeal.

5. ASSESSMENT OF THE UNAUTHORISED DEVELOPMENT

- 5.1. In this section, I set out my views on the unauthorised alterations that have been carried out to the frontage of the former public house at the ground floor level of the Building. In summary, I consider that the unauthorised development has materially affected the character and appearance of the historic public house and street scene and, therefore, does not meet the requirements of paragraph 197 of the Framework, London Plan Policy 7.8 (referred to in 3.12 above), Local Plan Policies D1 (Design), D2 (Heritage), D3 (Shopfronts), and C4 (Public Houses), and paragraphs of CPG – Design.

Impacts arising from the unauthorised development

- 5.2. Annotated photographs of the Building highlighting the alterations to the frontage of the former public house at ground floor level are attached at Appendix AF1 to this evidence and are discussed in sections 5.3 to 5.15 below.

Alterations to the Fenestration

- 5.3. The unauthorised works to the public house frontage include the enlargement of four windows in the public house frontage at ground floor level. These alterations have resulted in the removal of the window ledges and the characteristic panelled stall risers below each window to accommodate the larger sheets of glazing.
- 5.4. Furthermore, the entrance door on the Brecknock Road elevation has been removed, and replaced with a window. Similarly, the entrance on the Torriano Avenue elevation, albeit blocked up at the time of the unauthorised works, has also been replaced with a window.
- 5.5. In addition to these alterations, the fanlights above both these entrance doors have been removed, and the steps from pavement level to the floor level internally have been removed. Furthermore, the main entrance doors on the splayed corner elevation have been replaced, and again the steps from pavement level to the floor level internally have been removed.

- 5.6. Further alterations to the fenestration include the introduction of solid wall panels on the Brecknock Road elevation, and an additional pilaster on the same elevation – Before the unauthorised works there were six pilasters, and now there are seven.
- 5.7. A number of the recesses in the public house frontage have also been altered. These unauthorised alterations have materially affected the character and appearance of the historic public house.
- 5.8. What is more, Camden Planning Guidance Design states in section 6.16 of CPG – Design that:
- "Stall risers should be retained where existing and generally should be incorporated to any new shopfront on a period buildings."
 - "Where there is an existing shopfront recess - often found in older traditional shopfronts - these should be retained."
 - "On traditional shopfronts, large expanses of undivided glass should be avoided."

Vinyl graphics

- 5.9. The introduction of vinyl graphics on four of the five windows has concealed views into and out of the Building at ground floor level. Camden Planning Guidance states that the Council "discourages shop window displays and graphics that completely obstruct views into the shop (for example vinyl graphics applied to the window)" (CPG – Design, Section 6.16). Furthermore, the graphics adds visual clutter, is oversized and wholly out of keeping with the public house character, and design.

The doors

- 5.10. The complete loss of the entrance doors on both the Brecknock Road and Torriano Avenue elevations have harmed the character and appearance of the

frontage of the public house. The Brecknock Road elevation was the primary entrance, whilst Torriano Avenue entrance was secondary. The appeal decision dated 11 December 2015 (PINS Ref: APP/X5210/W/15/3095242) also states "The Torriano Avenue frontage is an important elevation to the property, however it is clearly secondary". The loss of both entrances means the character and status of each elevation has been wholly undermined. Furthermore, the removal of the entrance doors also impacts on circulation. I note that the entrance door on Torriano Avenue was blocked up at the time of the unauthorised work, however, the opening still read as a secondary entrance into the public house. It is also likely the entrances on Brecknock Road and Torriano Avenue frontages denoted separate sections of the public house by virtue of separate entrances.

- 5.11. Furthermore, the removal of the part-glazed and panelled timber double doors on the Brecknock Road elevation, and on the splayed corner elevation further impacts on the traditional character and appearance of the Building. The part-glazed double doors on the splayed corner elevation have been replaced with a fully glazed metal framed electric door with a fixed side window. The replacement door is wholly out of character. The Camden Planning Guidance (CPG – Design, section 6.16) states that "The design of the entrance door and doorway should be in keeping with the other elements of the shopfront".
- 5.12. Furthermore, the sensor above the door adds to the impact. The principle of an electric door with a sensor is acceptable, however it would be possible to retain a door of a traditional, more historic appearance, and a less visually obtrusive sensor.

Materials

- 5.13. The unauthorised works include the use of contemporary materials such as a colour-coated metal frame. The CPG – Design states that it may be appropriate to use more contemporary materials, but it depends on the building and its location. Furthermore, section 6.13 of the same CPG states that "The materials and proportions of shopfronts should be sensitively chosen to be appropriate to the host building and surrounding context". In this instance, the

timber-moulded profiles have been replaced with simple, flat profile metal frames, which do not relate to the public house frontage, or the floors above. Furthermore, the CPG – Design states in section 6.14 that "Shopfront alterations should respect the detailed design, character, materials, colour and architectural features of the shopfront and building itself to which it is attached".

Alterations to the Signage

- 5.14. The principle of replacing the lettering on the fascia panels is acceptable. However, the house style of the NisaLocal logo, combined with the modern, shiny material of the lettering, and tone of yellow is wholly out of keeping with the traditional character of the building. Section 6.13 of the Camden Planning Guidance (CPG – Design) states that "Any corporate *"house styles"* or *branding should be appropriately and sensitively adapted to respond to and fit in with the context of the building or surrounding street"*. It also clearly states that "*Historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained"*.
- 5.15. The unauthorised works have included the removal of the armorial inn hanging sign on the Brecknock Road frontage at first floor level, together with the fixed bracket attached to the elevation at first floor level. A hanging sign is an intrinsic feature of a public house's frontage, it identifies the Building in the street scene, and draws in the customer.

6. RESPONSE TO APPELLANT STATEMENT OF CASE

- 6.1. The Appellant's Statement of Case dated 21 March 2019, at paragraph 6.2, states that the *"appearance of the ground floor of the Building has not materially changed between its previous use as The Leighton Arms and its current use as a convenience store. The modern boarding has been partly removed to expose the original opening and the front door replaced, but overall proportions have not changed"*. Furthermore, paragraph 6.3 of the same document states that *"there has been no material change in the external appearance of the Building as to create a breach of planning control"*.
- 6.2. For the reasons set out in detail within Section 5 (above), I emphatically disagree with the Appellant's assertions. I address the Appellant's comments in more detail below.
- 6.3. Paragraphs 7.2, 7.3, 7.4 and 7.5 of the Appellant's Statement of Case (21 March 2019) set out their response to Reason 1 of the Enforcement Notice issued by the London Borough of Camden.
- 6.4. In paragraph 7.3 of its statement, the Appellant states that the works have been undertaken in a "sympathetic manner". My assessment in Section 5 clearly explains why the Council disagrees with this assessment of the development. To my mind, the frontage is no longer clearly readable as a public house frontage as a result of the authorised works. This has also impacted on the Building as a whole, and the local townscape more generally. In addition to this, the character of the frontage building at ground floor level has transformed from that of a public house with traditional features in keeping with the character of the area to a modern shopfront.
- 6.5. In the same paragraph the Appellant also states that the "proportions of the fascia, columns and fenestration are in keeping with the original building". In terms of the fascia, my understanding is that the Appellant is referring to the fascia which lies horizontally above the pilasters at ground floor level, and below the cornice at first floor level. I agree that the fascia is generally acceptable, however, the pilasters (which are referred to by the Appellant as

"columns") fail to replicate the original fenestration composition: Thirteen pilasters have been replaced with 14 pilasters.

- 6.6. The Appellant also refers to the cowl lights above the lettering on the fascia. It is agreed that these are considered to be a sympathetic response to the character and age of the building. However, this does not compensate for the unauthorised alterations as a whole.
- 6.7. In the same paragraph, the Appellant references "the retention of corbels on the corners of the building". It is unclear what features the Appellant is referring to as there are no corbels on the corners of the Building at ground floor level.
- 6.8. In paragraph 7.4, the Appellant states that the windows were not original, and "were not enlarged during the course of the conversion; the modern boarding was simply removed to expose the original opening". The Appellant has not provided evidence to support this claim that the glazing was larger than it appears in photographs. I have looked at photographs of the site, one from 1912 (Image 11, Appendix AF2 to this evidence), the Appellant's photograph from c.1958, and Google Street View, which shows photographs of the Building from 2008, 2012 and 2015 (Images 12, 13 and 14, Appendix AF2 to this evidence). None of the photographs I have seen support the Appellant's claim.
- 6.9. In the same paragraph, the Appellant states that the "windows still retain stall risers at their base". I would argue this is a plinth, as opposed to a stall riser as shown in Figure 3 of paragraph 6.15 of the CPG – Design. The Appellant also fails to point out that window ledges have been removed.
- 6.10. The Appellant refers to the works undertaken as "operational works". On this point, I acknowledge that the public house was "very dated" as described by the Planning Inspector in the appeal decision APP/X5210/W/15/3095242. I accept that to get a "very dated" public house up and running, works would need to be undertaken. However, it would still have been possible to preserve architectural details and features that make the Building an important building in the townscape. It should also be noted that the Planning Inspector in the appeal APP/X5210/W/15/3095242 considered the Building to be a part of the

townscape, as she states that "the rear elevation at the time of that appeal delivered no benefits to the local townscape", and that the proposed extension did not harm the street scene.

- 6.11. The Appellant further refers to the new door and that a more contemporary approach has been taken (paragraph 7.4, Appellant's Statement of Case). It is not uncommon for doors on a building of this age to have been replaced, as main entrances are high traffic areas in any building. The Appellant argues that the new door is in keeping with *"the more contemporary approach incorporated into the alterations and will enhance the appearance of the shopfront"*. Contemporary design can be acceptable in some instances, as previously stated, however, in this instance, the arrangement of the glazing bars, and the metal frame is out of keeping with the character, and the existing fenestration arrangement in the Building.
- 6.12. The Appellant states that the previous doors were *"a modern standard off-the-shelf type"*. This does not matter. They were traditional in appearance and therefore in keeping with the historic character of the building. What's more, as a result of the unauthorised development the entrances on Torriano Avenue and Brecknock Road elevations have not been retained. In the interests of preserving the character of the building, the doors could have simply been fixed shut, and boarded over internally, to provide wall space internally.
- 6.13. In summary, I would argue that the unauthorised development subject of this appeal has not been undertaken in a sympathetic manner, given my assessment of all of these alterations.

7. SUMMARY AND CONCLUSIONS

- 7.1. For the reasons explained in detail within my proof of evidence, the unauthorised operational development comprised in the breach of planning control recorded in paragraph 3 of the Enforcement Notice fails to respect the character and appearance of the Building.
- 7.2. The loss of traditional features such as the timber stall risers, ledges and part-glazed double doors and fanlights, and unsympathetic alterations erode the visual richness of the Building as a whole, not just the public house frontage. Moreover, the Building no longer clearly reads as a public house. Public houses were traditionally built to be seen, very much prominent in the townscape and architecturally distinguished. Furthermore, the loss of recesses, which is a great subtlety of design, further compromises the traditional character of the Building.
- 7.3. The unauthorised alteration or removal of all of these elements of the public house frontage is contrary to the Council's policies stated in my proof of evidence.
- 7.4. Therefore, the unauthorised operational development does not meet the requirements of paragraph 197 of the National Planning Policy Framework, Policy 7.8 of the London Plan, Policies C4, D1, D2 and D3 of the Camden Local Plan and the CPG – Design.
- 7.5. Whether or not the Inspector is minded to approve the use of the retail convenience store, the Council would respectfully request that the external alterations are reversed as required by the Enforcement Notice, namely:
- "Re-instate the frontages to the property as depicted in the photographs attached at Appendix A and B and make good any damage and remove from the property all constituent materials resulting from the above works."*
- 7.6. Without prejudice to the Council case that the Appellant's ground (a) appeal should be dismissed, should the Inspector be minded to allow the appeal the

Council respectfully invites the Inspector to impose suitable planning conditions to secure the reinstatement of frontages of the Building.

8. LIST OF APPENDICES

REFERENCE	DOCUMENT	DATE
Appendix AF1	Photographs of unauthorized works to the Building, 101 Brecknock Road	February and August 2019
Appendix AF2	Historic photographs of the Building, 101 Brecknock Road	Various