

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	29/11/2019
		N/A / attached	<b>Consultation Expiry Date:</b>	
<b>Officer</b>		<b>Application Number(s)</b>		
Leela Muthoora		1. 2019/3436/P 2. 2019/3692/A		
<b>Application Address</b>		<b>Drawing Numbers</b>		
335 West End Lane London NW6 1RS		N/A		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
<ol style="list-style-type: none"> <li>1. Installation of replacement shopfront, including retractable awning and balustrading to decked area to forecourt of existing restaurant (Class A3).</li> <li>2. Display of 1x internally illuminated fascia sign to existing restaurant (Class A3).</li> </ol>				
<b>Recommendation(s):</b>		<ol style="list-style-type: none"> <li>1. Refuse planning permission and</li> <li>2. Refuse advertisement consent</li> </ol>		
<b>Application Type:</b>		<ol style="list-style-type: none"> <li>1. Full Planning Permission</li> <li>2. Advertisement Consent</li> </ol>		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>04</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p>Press notice published in the Ham &amp; High on 10 October 2019  Site Notice displayed from 10 October 2019</p> <p>1x Comment from resident regarding installation of decking without planning permission, previously refused in the area.</p> <p>3x Comments supporting the restaurant use, re-opening of the unit, and positive impact of the design of the decking, and the positive impact on the wider area.</p>					
<b>CAAC/Local groups comments:</b>	No response received from West End Green CAAC or Fortune Green and West Hampstead Neighbourhood Development Forum					

## Site Description

This application site is in a four storey building, within a terrace of eight (numbers 327-341) on the west side of West End Lane. The property lies near the triangular junction with Mill Lane and Fortune Green Road and West End Lane, opposite the West End Green.

The site is in the West End Green Conservation Area, The Fortune Green and West Hampstead Neighbourhood Development Plan Area and identified in the West Hampstead Town Centre in The Camden Local Plan.

The Conservation Area Appraisal identifies the site as within a parade (numbers 327-341) that make a positive contribution to the Conservation Area ('in poor condition and altered but potential for positive effect on the Green').

The basement and ground floor are in use as a café/restaurant and its upper floors are in residential use.

## Relevant History

**9100563** - Change of use of the ground floor and basement from shop to restaurant. **Granted 19/09/1991**

**9500263** - Modification of condition 04 of planning permission (9100563) to allow the extension of hours of operation to 3am daily. **Refused 12/05/1995. Appeal Allowed 15/03/1996** and Condition 4 of 9100563 amended to 'The use hereby permitted shall not take place other than between the hours of 0800 and 0030 hours Mondays to Friday mornings, between 0800 and 0100 hours on Friday to Sunday mornings and between 0800 and 1130 hours on Sundays.'

**PW9802423R2** - The installation of a new shop front and refurbishment of the air handling equipment at the rear. **Granted 07/09/1998**

**PWX0203049** - Replacement of rear air handling equipment and extract flue, in connection with the existing use of the ground floor for purposes within Class A3 use. **Granted 23/01/2003**

**2003/2546/P** - The replacement of rear air handling equipment and extract flue, in connection with the existing use of the ground floor for purposes within Class A3 use. **Granted 24/11/2003**

## Neighbouring and nearby sites

**2017/1829/P** - 237-239 West End Lane - Installation of timber decking with enclosure (Retrospective) Refused with warning of Enforcement.

### Reasons for refusal

The location on the public highway, reduce the width and function of the pavement resulting in harm to the safety and amenity of pedestrians and other road users. **Appeal dismissed 07/12/2017**

**2016/2017/P** - 283 West End Lane - Erection of raised timber decking and perimeter timber enclosure on front area (retrospective). Refused with warning of Enforcement 17/11/2016.

### Reasons for refusal

The siting on the public highway, reduce the width and function of the pavement resulting in harm to the safety and amenity of pedestrians and other road users.

The size, siting and design, create a dominant and incongruous feature in a prominent corner location resulting in harm to the character and appearance of the host building, surrounding streetscene and conservation area. **Appeal allowed 31/03/2017.**

**2012/1848/P** - 258 West End Lane - Installation of new shopfront. **Refused 28/05/2012**

### Reasons for refusal

The proposed shopfront, by reason of its inappropriate design and materials, fails to preserve or enhance the architectural integrity of the parent building and the character and appearance of the conservation area.

**2012/3837/P** - 341 West End Lane (David's Deli) Retention of decked terrace enclosed by timber fencing and planters adjacent to the front facade providing an outdoor seating area and removal of the wind screens and timber posts above the existing fencing in connection with existing café (Class A3). **Granted 12/11/2012**

**2010/4516/P** - 276 West End Lane (Chelsea Square) Replacement of shopfront including the relocation of entrance door. **Granted 18/10/2010**

**PWX0202168** - 331 West End Lane (GBK) Retention of decking to forecourt. **Granted 15/07/2002**

**PW9902131** - 327 West End Lane (Rozay) Retention of existing forecourt platform, and alterations to reduce its size and to provide disabled access ramp, railings and steps. **Granted 10/04/2001**

**TP81988/4528** - 337 West End Lane - Installation of a new shop front – **Granted 18/07/1958**

### **Relevant policies**

#### **Local Plan Policies 2017 (LP)**

D1 Design  
D2 Heritage  
D3 Shopfronts  
D4 Advertisements  
A1 Managing impact of development  
A4 Noise and vibration  
TC4 Town centre uses

#### **Camden Planning Guidance (CPG)**

CPG Amenity 2018 ch. 2 and 6  
CPG Design 2019 ch. 3, 6 and 7  
CPG Advertisements 2018 ch.1  
CPG Transport 2019 ch 9.14

**West End Green Conservation Area Appraisal and Management Strategy 2011 (CAAMS)**  
paragraphs 5.3.1, 5.3.2 (pages 16-17), Section 2 (page 38), 7.3 (page 49)

**Fortune Green and West End Green Neighbourhood Plan 2015 Policies 2, 3 and 13**

## Assessment

### 1. Proposal

1.1 Planning permission is sought for

- a. The replacement of the timber shopfront with a powder coated aluminium surround and full height frameless glazed shopfront.
- b. Erection of timber decking on a raised platform and timber balustrading to forecourt.
- c. Installation of shutter and shutter box.

1.2 Advertisement consent is sought for

- a. Display of an internally illuminated fascia sign with a height of 1.m, width of 4.7m and depth of 0.20m.
- b. Installation of a retractable awning with logo.

1.3 Revisions

Council Officers advised the applicant that:

- a. A full height glazed shopfront was not appropriate for this property and advised that a traditional timber shopfront would be acceptable and should include architectural elements such as a stall riser, transom and mullions glazing bars and a door frame to the entrance.
- b. The security shutter box removed from the proposal.
- c. The balustrading to the enclosure should be less solid, such as narrower timber balustrading or the area could be designated with moveable planting boxes.

Revised drawings were submitted with amendments to the following

- a. Removal of the security shutter box.
- b. Plant boxes added to the boundary balustrade

A site visit was made on 21 November 2019 and the Officer observed that

- a. Fully glazed shopfront has been installed
- b. Retractable awning installed with cassette fitting beneath fascia sign
- c. Two external heaters installed to front elevation beneath awning
- d. Internally illuminated fascia sign installed to a greater height than shown on the proposed elevation drawing, and projects beyond the glazing contrary to proposed section drawing.
- e. Raised timber decking with timber enclosure and boxed seating to half perimeter of enclosure and plant boxes installed between top of balustrading and seating.

### 2 Assessment

2.1 The principal considerations material to determining this application are as follows:

- Design

- Amenity

## 2.2 Design

- 2.3 The Local Plan (LP) Policy for Design (D1) states that The Council will seek to secure high quality design in development. Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Whilst the proposal brings the unit back in to use, the alterations proposed in this application, and that have been carried out, are considered inappropriate for the host building because they involve the loss of a traditional shopfront in a conservation area.
- 2.4 The applicant states the shopfront they have replaced was in a poor state of repair; however, it was a traditional design in timber, which is considered appropriate for conservation area. The previous shopfront, as shown on the existing drawings complied with current design policy in that it included traditional features, such as timber frames with glazing bars, a stall riser matched with a solid bottom panel to the door that relate to the composition of the upper floors elevations.
- 2.5 In accordance with LP Heritage Policy D2, The Council will require that development, within conservation areas preserves or, where possible, enhances the character or appearance of the area. The CAAMS calls for the retention of traditional shopfronts and that they maintain visual character and appearance of the street. Replacement shopfronts are not expected to be facsimiles of the existing shopfronts, but alterations should be in a material of a similar appearance to the original as the conservation area can be eroded through the loss of traditional architectural features, particularly at ground floor level.
- 2.6 The Council's LP policy D3 for shopfronts, states that traditional architectural features should be reinstated where they have been lost. The fully glazed shopfront has removed the glazing bars, stall riser, door frame and door panel. The replacement shopfront forms a large expanse of glass which is contrary to the policy for shopfronts, result in the loss of the remaining traditional architectural details and no longer relates to the composition of elevations at upper floor levels. CPG for Access for All states that entrance doors should also have contrast to ensure visibility, which can be achieved by including a frame to the entrance.
- 2.7 CPG Design states that standardised "house-style" branded frontages may have to be amended in order to harmonise with the surrounding context and respect the host building, particularly in conservation areas. The applicants have installed their brand style and the resulting shopfront is considered to be an incongruous alteration within the context of the host building and parade and the alterations contribute to the cumulative loss of architectural features and characteristics, resulting in harm to the streetscene and the Conservation Area.
- 2.8 The applicants have referred their design choice to nearby fully glazed shopfronts as exemplars of similar design in the area. The examples cited at no. 337 and 267 West End Lane have not been built in accordance with the approved plans and in both cases, they were approved prior to the adoption of current policy and guidance, see the planning history section.
- 2.9 Following officer advice, the height of fascia was amended to a shorter height as submitted by revised drawings. Following a site visit, the fascia sign has been installed beneath the original fascia panel, which is an acceptable position but due to its height, the sign extends below the corbels and also projects beyond the glazing of the shopfront. This is contrary to guidance in CPG Design for shopfronts, CPG Advertisements and the WEG CAAMS which state that signage should not extend above the cornice or below the capital where this would upset the overall balance and proportions.
- 2.10 It is acknowledged that the forecourt areas have been developed within the parade and can provide an active frontage and additional space for the restaurants, but as noted in the CAAMS some are of poor design and quality.

- 2.11 According to the drawings the decking covers approximately 15.2 square metres of the forecourt. The perimeter timber enclosure is approximately 3.7 metres wide, and between 3.8 and 4.7 metres deep. The timber enclosure facing the highway as shown on the drawings is 1.10m to 1.20m. The decking is raised due to the change in ground level, which is not demonstrated on the drawings submitted.
- 2.12 The enclosure of the seating area requires planning permission where it faces the highway to a height greater than 1m. Officer advised opening up the balustrading to allow visibility through the structure or to use mobile planters to designate the seating area.
- 2.13 Observations made during the site visit confirm that the structure has been built to a greater height than shown on the drawings. The balustrading has been installed as close fitting with boxed seating to half the perimeter and plant boxes have been added to the top of the balustrading. The overall effect forms an almost solid boundary restricting visibility and removing the open character to the forecourts. In addition, the proximity of the high boundary treatment adjacent to the footway emphasises the difference in height between the pavement, the boundary treatment and its seating area. The combination of both the raised decking and the surrounding wall-like enclosures form a bulky and overbearing structure and accumulatively cause harm to the streetscene harms the character and appearance of the Conservation Area, with no overriding public benefits.
- 2.14 The Council seek to maintain uncluttered spaces and high quality footpaths that are wide enough for the number of people expected to use them so that they give the maximum possible space to pedestrians who can use them safely and easily. CPG Transport states in paragraph 9.14 that 'The back of the footway must be free from obstruction to assist visually impaired users and to avoid unwanted gathering of litter and antisocial behaviour.' At number 331 West End Lane, the boundary treatment has a more open balustrade and is set back from the footway, which allows easier movement and increases visibility by allowing sight lines through the site. A similar arrangement would lessen the impact of the boundary enclosure on the public highway.
- 2.15 Due to the loss of architectural detail, the shopfront and boundary enclosure are considered to have a detrimental impact on the character and appearance of the host building, shopping parade and wider West End Green Conservation Area contrary to policy D1 Design and D2 Heritage.

### **3 Amenity**

- 3.1 The additional seating for the restaurant use has the potential to have a detrimental impact on amenity of existing and future occupiers of neighbouring properties. The area intensifies the use and allows the potential for noise to be generated by customers using the decking during the evening that would likely give rise to noise nuisance to neighbouring residents. The intensification of the use may also have the potential for crime and antisocial behaviour, including littering.
- 3.2 The increase in noise would be likely to result in a significant level of harm to neighbouring residential flats, particularly those units directly above the café. If the proposal had otherwise been acceptable, the Council would have sought to apply controls on the hours of operation, storage and disposal of refuse and customer litter; and the number of tables and chairs outside of premises in order to manage potential harm.
- 3.3 The use of the outdoor seating area is likely to intensify the use and has the potential to harm the amenity of neighbouring residential occupiers through increased noise and odour nuisance contrary to policy A1 - Managing the impact of development on occupiers and neighbours.

### **4 Conclusion**

- 4.1 The alterations to the shopfront and timber enclosure have a detrimental impact on the

character and appearance of the host building and shopping parade and would neither preserve nor enhance the wider West End Green Conservation Area contrary to policy D1 Design, D2 Heritage and D3 Shopfronts.

4.2 The fascia sign is detrimental to the appearance of the host building, shopping parade and the wider character and appearance of the West End Green Conservation Area contrary to policy D4 Advertisements.

4.3 The raised platform and outdoor seating area on the forecourt has the potential to cause loss of amenity to neighbouring residential occupiers through increased noise and odour nuisance contrary to policy A1 Managing the impact of development on occupiers and neighbours

## **5. Recommendation**

5.1 Planning permission is recommended for refusal.

5.2 Advertisement consent is recommended for refusal.

5.3 The applicant has carried out the alterations to the shopfront and therefore the application is for retrospective development. As a result, the case will be passed to enforcement and the Council may commence proceedings. An informative will be attached to each decision advising of enforcement action to be taken.

**5.4 The Notice shall allege the following breach of planning control:** The unauthorised installation of a new shopfront, heaters, fascia sign, raised timber decking and balustrade.

**5.5 The Notice shall require within a period of 3 calendar months of the Notice taking effect:**  
What you are required to do:

Remove the unauthorised shopfront, heaters, signage, decking and balustrade and restore a timber shopfront with glazing bars, stall riser and door frame.

Completely remove the raised timber decking and perimeter timber enclosures to the restaurant and make good any damage to the public highway.

Period of Compliance: 3 months

## **6. REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

6.1 The installed shopfront, by reason of its inappropriate design and materials, fails to preserve or enhance the character and appearance of the host building, the parade of which it forms a part, and the West End Green Conservation Area, contrary to the provisions of policies D1, D2 and D3 of the Camden Local Plan 2017 and policies 2, 3 and 13 of the Fortune Green and West End Green Neighbourhood Plan 2015.

6.2 The installed fascia sign, by reason of its inappropriate design, fails to preserve or enhance the character and appearance of the host building, the parade of which it forms a part, and the West End Green Conservation Area, contrary to the provisions of policy D4 of the Camden Local Plan 2017 and policies 2, 3 and 13 of the Fortune Green and West End Green Neighbourhood Plan 2015.

6.3 The installed balustrade, decking and associated seating area, by reason of its inappropriate design, fails to preserve or enhance the character and appearance of the host building, the parade of which it forms a part, and the West End Green Conservation Area, contrary to the provisions of policies D1, D2 and D3 of the Camden Local Plan 2017 and policies 2, 3 and 13 of the Fortune Green and West End Green Neighbourhood Plan 2015.

6.4 The installed balustrade, decking and associated seating area, by reason of its location and proximity to residential properties, fails to protect the amenity of neighbours, contrary to policy A1 of the Camden Local Plan 2017 and policies 2, 3 and 13 of the Fortune Green and West



End Green Neighbourhood Plan 2015.