



Appeal Decision

Site visit made on 15 June 2020

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/X5210/C/19/3243786

39 Camden High Street, London NW1 7JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss Peri Carlson against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, numbered EN19/0296, was issued on 10 December 2019.
 - The breach of planning control as alleged in the notice is without planning permission: Installation of recessed shopfront and creation of a front terrace.
 - The requirements of the notice are to:
 1. Completely remove the recessed shopfront and reinstate a shopfront to match the pre-existing in terms of its position, design and materials as per plan within Appendix A.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act fall to be considered.
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Decision

1. It is directed that the enforcement notice be corrected by removing the words "as per plan within Appendix A" from paragraph 5. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The enforcement notice

2. The requirements set out in paragraph 5 refer to a "plan within Appendix A" which the main parties have confirmed did not in fact form part of the issued notice. Notwithstanding this, it is sufficiently clear to the appellant what she is required to do – to completely remove the recessed shopfront and reinstate a shopfront to match the pre-existing in terms of its position, design and materials. The appellant is well-placed to know what the pre-existing situation was, and it is clear from her appeal submissions that she does. Accordingly, in making a correction to the notice by removing reference to Appendix A, I am satisfied that no injustice is caused to any of the parties.

Ground (a) and the deemed planning application

Main issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the property, the streetscene and Camden Town Conservation Area (CA).

Reasons

4. The appeal site lies within the CA. I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.
5. The special interest of the CA is set out in the Camden Town Conservation Area Appraisal and Management Strategy (CTCAAMS):

The commercial sub area consists of a traditional wide shopping street linking the busy junction at Mornington Crescent to the eclectic and lively town centre at the heart of Camden Town.....Within this part of the Conservation Area there are two underground stations, an array of banks, restaurants, street markets, shops and stalls, signs and vehicles all existing within an historic architectural streetscape...

... Inappropriate and poorly designed shopfronts detract from the character and appearance of the Camden Town Conservation Area.

6. The appeal property is a ground floor commercial unit fronting Camden High Street on the corner of Symes Mews. It forms part of a 3-storey building (39 to 47 Camden High Street) with retail units at ground floor and residential accommodation on the upper floors. The pre-existing building displays a marked degree of simple yet pleasing structural uniformity when viewed from the front due to a consistent roofline, similarly designed and regularly spaced and aligned fenestration on the upper floors, and largely sheer vertical elevations.
7. The large recessed terrace across the entirety of the unit is incongruous with the harmony created by the above building features. This is especially the case due to the prominence of the corner unit on the streetscene and as the other retail units within the building do not have recessed shopfronts. The disharmonious effect of the appeal development is heightened further by a box shutter housing at fascia level which is considerably bulkier than others in the run of units.
8. While I acknowledge the appellant's submission that the development brings "variety and eclecticism" to the high street, the associated incongruous features within this particular context cause unacceptable harm and accordingly I do not regard them as high quality design. Consequently, and notwithstanding that the appeal property is not identified in the CTCAAMS as making either a positive or negative contribution, the inappropriate and poorly designed shopfront detracts from the character and appearance of the CA and causes it significant harm.
9. The appellant has drawn my attention to a number of other commercial properties nearby within the CA which either have significant amounts of shopfront glazing or elements of recess in their design. However, none of the examples provided are corner units having both the significant degree of glazing and significant degree of recessing as the appeal development.
10. I place very limited weight that the planning history appears to indicate that a recessed shopfront existed before planning permission was granted in 1988 to

move the façade to the boundary, since it does not affect the impact of the current development upon its setting.

11. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), whilst the harm caused to the significance of the CA is less than substantial, it is a matter of considerable weight and importance. The development provides good public accessibility to the unit for all users, and the shutters mitigate against anti-social behaviour when closed, but these public benefits do not outweigh the harm.
12. I conclude the development fails to preserve the character or appearance of the property, the streetscene and the CA, and causes less than substantial harm to the CA's significance as a designated asset. The public benefits do not outweigh this harm and the development is therefore contrary to Policies D1 (Design), D2 (Heritage) and D3 (Shopfront) of the Camden Local Plan 2017 which together seek to ensure that developments are of good design and protect the character and appearance of places, including conservation areas. The development is also contrary to the heritage protection and design principles of the Framework.
13. The development does not accord with the development plan as a whole and there are no other considerations which outweigh this finding.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

Andrew Walker

INSPECTOR