

Application ref: 2020/4962/P  
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Date: 18 May 2021

**Development Management**  
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Ace Engineering Solutions  
14 Huxley Gardens  
Park Royal  
London  
NW10 7EA

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted and Warning of Enforcement Action**

Address:  
**2 Canfield Gardens**  
**London**  
**NW6 3BS**

Proposal:  
Shopfront alterations following the removal of existing shutter.

Drawing Nos: Site location plan; AR-011 rev 07.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the

immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; AR-011 rev 07.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The ground floor windows hereby permitted shall not be opened outside the following times- 08:00 to 20:00 on Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting planning permission:

The proposal seeks to regularise unauthorised shopfront alterations at ground floor level to an existing restaurant unit that are the subject of an enforcement investigation (ref. EN20/0510).

Concerns were raised by the Council in regard to the unauthorised installation of a shutter, retractable awning and full-height openable doors, including the removal of fixed stallrisers and use of aluminium material for frames. These unauthorised alterations are considered to erode the appearance of the frontage, creating 2 large visual voids either side of the main entrance door, and result in an unsympathetic and incongruous appearance by virtue of their design, size, location and materials.

Following Council advice, revised drawings have been submitted showing bi-folding windows within smaller openings and with fixed stallrisers below, all in traditional timber material. The drawings also confirm the proposed retractable awning to be suitably sized and positioned so as to respect the building lines and not to obscure any architectural features of the building, nor impact on the public highway or be harmful to public safety. The awning would be a traditional canvas material. An existing shutter would also be removed as part of the proposals.

Overall therefore, in terms of the revised design, size, location and materials, the proposal is considered to be in keeping with the commercial identity of the street and would enhance the character and appearance of the building and the wider South Hampstead Conservation Area, and as such, would be acceptable.

In amenity terms, there would be no additional loss of light, outlook or privacy to neighbours, given the minor nature of the alterations to replace an existing shopfront. The nearest residential flats located above are also noted as being significantly set back from the front of the premises. Nevertheless, it is acknowledged that the installation of openable, bi-folding windows might introduce some degree of additional noise from inside the premises that might carry out onto the street or to nearby residential properties. Therefore, in order to safeguard the amenity of residential occupiers on the upper floors and any neighbouring properties, a condition would be attached to any approval restricting the times that the windows can be left open in order to minimise any noise impacts.

The site's planning and appeal history has been taken into account when coming to this decision; all matters arising from the enforcement complaint (ref. EN20/0510) relating to shopfront alterations would be addressed by this proposal to the Council's satisfaction. No objections have been received in relation to the application proposal.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, D1, D2 and D3 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2019.

## 2 WARNING OF ENFORCEMENT ACTION TO BE TAKEN

The existing unauthorised shopfront alterations at the front of premises are considered to be harmful to the character and appearance of the host building and wider South Hampstead Conservation Area. Therefore, enforcement action may be taken against these unauthorised works if the alterations subject of this decision are not fully implemented in accordance with the approved drawings within 3 months of the date of this decision.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation

will be granted until the Construction Management Plan is approved by the Council.

- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer