
Appeal Decision

Site visit made on 22 June 2021

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/X5210/C/21/3267778

Land at 14A St Paul's Crescent, London NW1 9XL

- 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 Mr Richard Currie against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, numbered EN20/0135, was issued on 17 December 2020.
 - The breach of planning control as alleged in the notice is Without planning permission: Installation of 2 roller box shutters and shutter boxes to the ground and first floor windows to the front elevation.
 - The requirements of the notice are:
 1. Completely remove the 2 roller box shutters and shutter boxes to the ground and first floor window to the front elevation; and
 2. Make good any resulting damage and remove any resultant debris from the site.
 - The period for compliance with the requirements is two (2) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended. The appellant confirmed that the appeal on ground (f) was not being pursued.
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DECISION

1. It is directed that the enforcement notice be:
 - corrected in paragraph 4 b) by the deletion of the words 'Parkhill and Upper Park' and the substitution of the words 'Camden Square' and in paragraph 5, step 1 by the deletion of the word 'window' and the substitution of the word 'windows'; and
 - varied in paragraph 5 by the substitution of four months as the time for compliance.
2. Subject to the corrections and the variation 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.

REASONS

Enforcement notice

3. There are two corrections that need to be made to the notice. The Reasons should refer to the Camden Square Conservation Area. The first Requirement

should refer to the ground and first floor windows in order to be consistent with the wording of the alleged breach of planning control. I am satisfied that these minor errors are able to be corrected without injustice to either the appellant or the Council.

Ground (a)

4. The main issues centre on the effects of the roller box shutter installation on:

- the character and appearance of the dwelling, the street and the Camden Square Conservation Area, and
- the safety and amenity of the home.

Character and appearance

5. The dwelling at No 14A is a modern building erected around 2011 on a small plot on the site of a former garage. The dwelling appears as two stories but also has living accommodation at roof level, set back from the principal front elevation. The main body of the building is faced in brick but two large windows, one at ground and the other above at first floor level, are distinct features of the front elevation. There is a small front garden, enclosed and clearly defined from the public highway.
6. The appeal site is within Camden Square Conservation Area, which is a compact, triangular shaped area, comprising a primarily nineteenth century inner London suburb. The Council's Conservation Area Appraisal explains the attributes that contribute to its special character and its architectural and historic significance. In summary, the planned development has a gridded street layout focused around Camden Square. The area displays an architectural hierarchy related to plot size, encompassing the larger grander semi-detached houses, on smaller plots semi-detached houses and some terraces, alongside the mews streets that have evolved over time. The gently sloping topography, the green spaces and private gardens make an important contribution to the sense of place. The historic significance is associated with the history of land ownership, growth and development of the area over the centuries.
7. St Paul's Crescent on a small scale illustrates the hierarchy and evolution seen within the Conservation Area. The period terrace next to the site comprises virtually uniform houses that have two full storeys raised over the lower ground floors. Each house has a ground floor bay and shallow porch to the front door. On each of the upper stories is a pair of timber sliding sash windows, the principal pair at first floor level. Facing materials are stucco and brick and, in contrast to No 14A, the front elevations are quite ornate. Further along the street flats have replaced a section of the curved terrace destroyed in the Second World War. The house on the appeal site has its own very modern identity, but nevertheless it respects the terrace, fits in with its surroundings and adds to the architectural history of the area.
8. The enforcement notice is directed at the installation of roller box shutters and shutter boxes to the ground and first floor windows to the front elevation of No 14A. When down, the shutters form solid sheets of material that totally obscure the windows and present an impenetrable, fortified blank face to the front of the dwelling. Their size increases the harmful, over-dominant effect on the appearance of the building. The dwelling is in a residential street and when the

shutters are down the building loses its residential appearance and character and looks more like a storage building. The homely, domestic feel to the street is eroded and the shutters are indicative of a hostile, unsafe place.

9. The appellant claimed that the shutters are raised and largely invisible during the day but that was not the case when I carried out my site visit in the morning. The lowered roller shutters formed a negative element in the character and appearance in the street. No similar security measure on homes was evident elsewhere in the surrounding streets. A typical form of security measure is the use of traditional internal patterned timber shutters.
10. The shutter installation fails to respect local context and character and fails to preserve the character and appearance of the Conservation Area. The development is contrary to Policies D1 and D2 of the Camden Local Plan adopted 2017.

Safety and amenity of the home

11. The National Planning Policy Framework (the Framework) recognises that the fear of crime can undermine the quality of life. Planning Practice Guidance advocates good design, where security is considered as an intrinsic part of an individual development, with a view to ensuring mitigating measures blend into the environment and thereby avoiding subsequent work to achieve or improve resilience.
12. Crime and anti-social behaviour are addressed in Policy D1 and the Council's Planning Guidance on Design, which have similar aims to those expressed in national policy. Attention is focused on designing safe environments, high quality solutions and incorporating security features at an early stage in the design process.
13. The appellant explained that the box roller shutters were installed in 2017 after two attempted break-ins, which were frightening events and caused significant damage to the property. The shutters are described as bespoke, built to last to a high standard and which serve as an appropriate crime prevention measure.
14. The events reported by the appellant indicate that insufficient attention was given to security of the home in the design of the dwelling, resulting in the need for retrospective works. Having regard to appellant's representations, the probability is that the shutters make the property less vulnerable to crime and increase the sense of security for the occupants of the dwelling. However, the chosen form of mitigation has not blended sufficiently well with the residential environment or taken account of the special qualities of the Conservation Area. The probability is that less intrusive yet effective security measures exist, similar to those suggested by the local planning authority.
15. In conclusion the development has sought to minimise the risk of crime and improve the safety of the occupants of the home. However, the solution is not a high quality design in all respects and therefore falls short of meeting objectives of policy and design guidance.

Planning Balance and Conclusions

16. In terms of the development plan there is conflict with Policies D1 and D2 of the Camden Local Plan. The development is not in accordance with the development plan when read as a whole.

17. Turning to the Framework, there is less than substantial harm to the significance of the designated heritage asset. The shutter installation is primarily of private benefit to the occupiers of the dwelling, although limited public benefit arises from the shutters acting as a deterrent, thereby reducing crime in the street and saving resources investigating any crime. However, great weight should be given to the conservation of a designated heritage asset. I consider the harm is not outweighed by the public benefit. In the measures undertaken to reduce the fear of crime insufficient attention was given to the sensitivities of the local environment.
18. I conclude that the balance is against the development. The appeal on ground (a) is not successful.

Ground (g)

19. The issue is whether a period of two months for compliance with the requirements is reasonable.
20. The appellant has explained why in his view nine months would be a more realistic time frame, bearing in mind the restrictions imposed during the COVID pandemic and the need to install adequate alternative protection.
21. Planning Practice Guidance confirms that effective enforcement is important to tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area. I have concluded that the roller shutters cause harm to the significance of the Conservation Area. These factors point towards a short compliance period in order to remedy the harm as soon as possible. However, I recognise that arrangements will need to be made to carry out the remedial works and to investigate suitable alternative measures to secure the home. I conclude that a period of four months strikes a reasonable balance. The appeal succeeds on ground (g) to this extent.

Conclusion

22. For the reasons given above the appeal should not succeed, except to a limited extent on ground (g). I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the deemed application.

Diane Lewis

Inspector