



Da Vinci House
44 Saffron Hill
London EC1N 8FH
tel: +44 (0)20 3640 8508
fax: +44 (0)20 3435 4228
email: info@iceniprojects.com
web: www.iceniprojects.com

Planning Inspectorate
Room 3 O/P
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
United Kingdom

22nd February 2021

Via PINS Appeal Casework Portal

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 171A (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE: EN20/0726

LAND AT 37 CHALTON STREET, KING'S CROSS, LONDON, NW1 1JD

I write on behalf of my client, Dashuo Ltd., to submit an appeal against an Enforcement Notice under Ground (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted, as set out by Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002.

The Enforcement Notice

An enforcement notice was served on 37 Chalton Street, London NW1 on 13th February 2022 by the London Borough of Camden (LPA Ref: EN20/0726) for a breach of planning control. The breach of planning control is cited as:

"Without planning permission: Installation of a new shopfront."

The reasons for issuing the Notice are stated as:

- a) The development has occurred within the last 4 years.
- b) The replacement shopfront by reason of its design, scale and materials has a detrimental impact on the character and appearance of the locally listed building, the existing townscape and wider area in general contrary to policies D1, D2 and D3 of the London Borough of Camden Local Plan 2017.

To remedy the alleged breach of planning permission the Notice requires the following:

1. Remove the shopfront and reinstate the shopfront (to include fascia, timber framed windows, transoms, stallriser, pilasters and corbels) to replicate the shopfront which was removed, using the same proportions, architectural detailing and use of materials; and
2. Make good any damage made as a result of the above works.

Planning Policy

The following policies are relevant to the determination of this appeal.

National Planning Policy Framework 2021

Chapter 16 – Conserving and Enhancing the Historic Environment

Para 203 - Sets out that when assessing an application 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.

London Plan 2021

Policy D1 – Delivering Good Design. Sets out design assessment requirements to ensure development delivers high quality design and place-making.

Camden Local Plan 2017

Policy D1 – Design. Seeks to secure high quality design in new development. Requires that development respects local context and character and preserves or enhances the historic environment and heritage assets.

Policy D2 – Heritage. Sets out that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings. The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list).

Policy D3 – Shopfronts. Sets out that the Council will expect a high standard of design in new and altered shopfronts. In particular, the council will consider the shopfront's existing character, architectural and historic merit; the relationship between the shopfront and the upper floors of the building; and the general characteristics of shopfronts in the area.

Camden Planning Guidance- Design 2021

Chapter 6 – Shopfronts. Provides guidance on the high design standard which the council expects for new and replacement shopfronts. In particular sets out that shopfronts should be sensitively designed, should not detract from the character of the host building or the surrounding area, and should be appropriate to the host building and surrounding context.

Grounds of Appeal

My client wishes to appeal against the Enforcement Notice on Ground (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

The required fee of £924.00 is submitted to Camden Council in support of Ground (a), as stated on the Enforcement Notice.

Appeal under Ground A

Design

The Appeal under Ground A relates to the installation of a new shopfront to the front elevation of the property. A planning application for the new shopfront was submitted in December 2020 and installation took place in March 2021. However, the planning application was refused in November 2021. In refusing the application, the officer stated that:

The current shopfront is considered to detract from the architectural composition of the host building and the existing townscape. Although the previous shopfront appeared not to be original, its overall composition was traditional. The pilasters and fascia board created a pleasing composition that reflected a Victorian shopfront and complimented the detail of the upper floors of the building. The altered shopfront has resulted in removing shopfront features such as stallrisers, mullions, transoms, and pilasters and is currently considered to be harmful to the quality and architectural merit of the locally listed building. The current shopfront has very little articulation in terms of its design and has replaced a previous shopfront that had some architectural expression with one that is considered to be a bland replacement. The existing shopfront is not considered to be architecturally sympathetic to the host building or the local context by virtue of the expanse of glass, and lack of traditional features that fail to relate to the upper floors of the building. The existing shopfront also lacks an active frontage and detracts from the vibrancy of the existing street scene and shopping parade and would set an unacceptable precedent should it be allowed to be retained.

It is noted that the host building is a Locally Listed Building, identified in the Council's local list of locally significant buildings that contribute to a sense of place, local distinctiveness and civic pride.

Previous shopfront:



Existing shopfront:



Figure 1 - Previous and Existing Shopfronts at 37 Chalton Street.

However, Policy D3 of the Camden Local Plan 2017 states when assessing new shopfronts, the council will consider the shopfront's existing character, architectural and historic merit; the relationship between the shopfront and the upper floors of the building; and the general characteristics of shopfronts in the area.

The previous shopfront at 37 Chalton Street was of a modern, contemporary design which therefore resulted in a clear demarcation between the locally listed building and the retail unit below. The previous frontage was a non-original shopfront constructed from modern materials, and the shopfront as constructed will therefore have a limited impact on the locally listed building and street scene when compared with the previous shopfront which it has replaced. It should also be noted that Chalton Street features a varied range of shopfronts many of which are similarly modern in design, scale and materials to the shopfront as constructed – See Figs 2-5 below. Overall therefore, the shopfront under consideration here is not considered to result in any harm to the appearance of building and street scene. The shopfront constitutes an inoffensive addition to the street which would be in keeping with other shopfronts within the area, and which preserves the appearance of the locally listed building when compared to the shopfront which it replaces.

The photographs below show some of the multiple varied shopfronts located along this part of Chalton Street. These shopfronts have either been granted planning permission by Camden Council (see below), or are lawful by passage of time and have had no enforcement action taken against them. The shopfront as constructed is considered to be in keeping with these nearby building frontages and street scene.



Figure 2 - Yatri Indian Restaurant, 3-9 Chalton Street. Picture taken 10th Feb 2022.



Figure 3 - Nisalocal – 7-11 Chalton Street. Picture taken 10th Feb 2022. Permission Ref. 2017/3102/P



Figure 4 – Security Doors and Windows - 59 Dalton Street. Picture taken 10th Feb 2022. Permission ref. 2005/5553/P



Figure 5 – Shopfront at No. 17. Picture taken 10th Feb 2022.

Business Case

There is also a strong business case for the constructed shopfront to be approved. The accompanying report from CCRE demonstrates that, due to the previous hard frontage of the shop, securing a new tenant for the premises proved extremely challenging despite extensive marketing. Repeated feedback from potentially interested parties was that the old style and condition of the hard shop frontage was a major reason for not progressing with an offer. Most of the applicants were experienced restaurant operators and they stated that the previous frontage was contrary to the modern restaurant properties available at the time, where predominantly glass frontages allow restaurant owners to attract passing trade by showing when the restaurant is busy. Furthermore, it is noted that a number of retail premises along Chalton Street are currently vacant, resulting in inactive frontages and detracting from the character and appearance of Chalton Street. The shopfront as constructed therefore facilitates the occupation of the building by a successful restaurant business, which contributes to the vibrancy and successful retail activity in this area in challenging economic conditions.



Figure 6 – Vacant retail unit at No. 55 Chalton Street. Picture taken 10th Feb 2022



Figure 7 - Vacant Retail Units 27 – 29 Chalton Street. Picture taken 10th Feb 2022



Figure 8 - Vacant Retail Unit – 17a Chalton Street. Picture taken 10th Feb 2022



Figure 9 - Vacant Retail Unit – 73 Chalton Street. Picture taken 10th Feb 2022

Recent Shopfront Approvals – Chalton Street

A review of applications for new shopfronts along Chalton Street demonstrates that several new shopfronts of a similar contemporary design and appearance to the existing shopfront at the appeal site have recently been granted planning permission by Camden Council. These decisions therefore provide further support for the appeal scheme.

2017/3102/P - 11 Chalton Street - Change of use from Bakery (Use Class B1C) to Shop (Use Class A1) and alterations to shopfront including installation of sliding doors and metal roller shutter (retrospective). Conditional Permission 29/06/2017.

2014/7989/P – 47 Chalton Street - Installation of new shopfront. Conditional Permission 11/03/2017.

2014/6709/P - 32 Mordwash Launderette Chalton Street - Installation of new shopfront. Conditional Permission 07/11/2014.

2005/5553/P - 59 Chalton Street - Alteration to existing shopfront. Conditional Permission 14/02/2006.

Conclusion

The enforcement notice refers to a breach of planning control with regards to the constructed shopfront and its impact on the character and appearance of the locally listed building, the existing townscape

and wider area. However, this statement has demonstrated that the constructed shopfront will have a neutral impact on the locally listed building given that it will replace a similarly modern, contemporary shopfront, therefore preserving the appearance of the locally listed building. Furthermore, Chalton Street contains a varied street scene with multiple shopfronts of similar design, scale and materials, several of which have been approved recently by Camden Council. The shopfront is therefore in keeping with nearby buildings and the modern, mixed-use character of the street scene.

The existing shopfront also allows for the occupation of the building by a successful restaurant business on a street with multiple vacant units, and therefore makes a positive contribution to the vitality and commercial success of the area. The shopfront is therefore in accordance with Policies D1, D2 and D3 of Camden's Local Plan 2017 and the National Planning Policy Framework, and planning permission should therefore be granted for the appeal scheme.

Yours faithfully,

Andrew Rudlin
Planner
Iceni Projects