

Delegated Report		Analysis sheet		Expiry Date:			
		N/A / attached		Consultation Expiry Date:			
Officer			Application Number(s)				
Leela Muthoora			2018/5532/P				
Application Address			Drawing Numbers				
37 and 39 Belsize Lane London NW3 5AS			See decision notice				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of security roller shutters, shutter boxes and awnings to shop fronts at no. 37 and 39 and access ramp to no. 37 (Retrospective).							
Recommendation(s):		Refused and Warning of Enforcement Action to be taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:		<p>A site notice was displayed near to the site on the 06 March 2019 (consultation end date 07 April 2019).</p> <p>The development was also advertised in the local press (Ham & High) on the 14 March 2019 (consultation end date 07 April 2019).</p>					
CAAC comments:		<p>A letter of objection was received on behalf of the Belsize CAAC. Their objection is as follows:</p> <ul style="list-style-type: none"> • Objection to grey security posts and screen surface mounted onto existing windows frames security shutter. • Objection to the detailing and finish of the ramp approach to entrance door. <p><u>Officer's response:</u> (1) Please see sections 3 and 5 of the report (2) Please see section 6 of the report</p>					

Site Description

The site is a basement and ground floor double fronted unit located within a four storey building on the eastern side of Belsize Lane. The upper floors are used as residential accommodation at number 37 Belsize Lane, and residential and office accommodation at number 39 Belsize Lane.

The two ground floor commercial units at numbers 37 and 39 Belsize Lane have been amalgamated into one unit, in use as a café; however the frontages appear as separate shopfronts with differences in detail.

The site is located within the Belsize Conservation Area, however it is not a listed building (nor are there any nearby listed buildings). The building is characteristic of the local area, being defined as making a positive contribution to the character of the CA by the Belsize Conservation Area Statement (2002).

Relevant History

The planning history for the application site can be summarised as follows:

37 Belsize Lane

2010/4654/P: Planning permission was granted on the 8 November 2010 for the 'Change of use from doctor's surgery (Class D1) to snack bar (Class A1).'

CTP/G7/10/2/36085: Permission for development (conditional) was granted on 12 July 1983 for 'Change of use of ground and basement floors from retail to doctor's surgery.'

CTP/G7/10/2/5678: Permission for development was granted on 21 August 1968 for 'Installation of new shop front.'

39 Belsize Lane

No relevant history

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- C5 Safety and security
- C6 Access for all
- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- D3 Shopfronts
- CPG Access for all (2019)
- CPG Amenity (2021)
- CPG Design (2021)

Belsize Conservation Area Statement (2002)

Assessment

1. The proposal

- 1.1 Planning permission is sought retrospectively for the installation of an external shutter, associated apparatus (guide rails and housing box) with retractable awning to the shopfront, and ramp to the entrance of number 39 Belsize Lane.
- 1.2 An external shutter, associated apparatus and retractable awning have been in place to the shop front of number 37 Belsize Lane since 2009 and having been in place for more than 4 years, are have become lawful through the passage of time. Therefore, the assessment is limited to number 39 Belsize Lane only.
- 1.3 The externally illuminated fascia signs shown on the drawings require advertisement consent and have been assessed under separate application reference 2018/5528/A.

2. Assessment

The principal considerations material to the determination of this application are as follows:

- 2.1 The visual impact upon the character and appearance of the host property, street scene, local area and the Belsize Conservation Area (Design and Conservation)
- 2.2 The impact upon the residential amenities of any neighbouring occupier (Residential Amenity)
- 2.3 The impact upon crime and public safety (Crime and Public safety)
- 2.4 The impact upon accessibility (Access for All)

3. Design and Conservation

- 3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 Design are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 Heritage states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 3.2 The Belsize Conservation Area Statement (2002) identifies issues such as inappropriate alterations to shopfronts, such as awnings, can detract from the character of the street. The guidelines in BE34 explains that there will be a general presumption against the use of external security shutters, grilles or meshes on shopfronts and would have to demonstrate that the security measures of strengthening shopfronts, toughened or laminated glass, internal grilles and improved lighting stated in BE33 are not feasible (page 42). The applicant has not demonstrated the Council's preferred security measures are not feasible.
- 3.3 The Councils' Conservation and Heritage officer advised that external shutter boxes are contrary to policy. While shutter boxes in the vicinity may have become lawful through passage of time, their presence do not justify new shutter boxes that add cumulatively to the harm caused to the Belsize Conservation Area. The harm caused by the shutter box is exacerbated by the addition of a steel gantry from which the awning is mounted. The shop is not one where high-value goods are likely to be found and, if a shutter is necessary, it should be of the open-lattice type and installed within the shop.
- 3.4 The Council's policy for shopfronts, expects a high standard of design in altered shopfronts including blinds and security measures. The following considerations contained within policy D3 Shopfronts are relevant to the application: the details and materials of the feature, the existing character of the building and shopfront, community safety and the contribution made to natural

surveillance, and accessibility. The supporting text states that 'Security features... should be internal in order to avoid harming the appearance of shop fronts and creating clutter. Solid shutters are only considered to be acceptable in exceptional cases as they are unsightly and can generate feelings of insecurity in those walking by, hide internal intruders and encourage graffiti.'

- 3.5 The shutter apparatus is not integrated into the shopfront in terms of design, materials and colour. It projects forward of the fascia and obscures the upper section of the shopfront glazing. As the Belsize CAAC have indicated the guide rails are conspicuous, surface mounted onto the windows frames, shown in white in image 1 below.



Image 1: External shutter housing box, shutter frame, external heaters (Sept 2018)

- 3.6 The shutter screen can be seen in image 2 below together with the awning and projecting sign. In addition, this image shows two heaters have been installed externally to the glazing.



Image 2: External shutter, housing frame with awning above, external heaters (June 2019)

3.7 The awning is located above the shutter housing box which exacerbates the bulk of the apparatus, as illustrated by image 3 below.



Image 3: projection of awning housing and projecting sign (June 2019)

3.8 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4.1 The external shutters, associated apparatus, awning and external heaters, in terms of size, detail and location have a harmful impact to the character and appearance of the host and adjacent buildings and do not preserve the special character of the Belsize Conservation Area. The installation of the security features, awning and heaters results in creating clutter which is

unsightly to the appearance of the shop front and results in harm to the Belsize Conservation Area. The development is considered contrary to policies D1 Design, D2 Heritage, and D3 Shopfronts.

4. Residential Amenity

- 4.2 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 4.3 The alterations made are not considered to lead to a significant impact upon the amenities of any neighbouring residents, therefore, the development is considered to be in accordance with policy A1.

5. Crime and public safety

- 5.1 Policy C5 Safety and Security aims to make Camden a safer place and to tackle crime, fear of crime and antisocial behaviour including among others things appropriate security measures in buildings. External security features which obscure the front of buildings such as solid roller shutters can make places seem hostile and unsafe which can discourage pedestrian movement, and will be resisted.
- 5.2 The applicant has installed the shutters following an incident of damage to the shop front which they consider to be motivated as a hate-crime. While the applicants' fear of crime is fully acknowledged and has been considered during the assessment, in the absence of a Design and Access Statement, there is no evidence that alternative security measures have been explored.
- 4.4 External security shutters appear visually unattractive and create a blank frontage when closed and can generate feelings of insecurity in those walking by (especially out of opening hours). They obscure the shopfront, prevent natural surveillance along the street which has already been reduced by the presence of roller shutters at the neighbouring property and can attract graffiti. Generally, closed shutters have a greater impact on crime as they can make places appear neglected. 'Active frontages', such as shopfront glazing and internal lighting, give buildings a safer, more welcoming appearance and enable overlooking of public areas. On balance, internal security measures are preferred and external security features, such as solid shutters, will only be considered acceptable in exceptional circumstances as stated in Camden Planning Guidance for Design. Therefore, the development is contrary to policy C5 Safety and Security.

6. Access for all

- 6.1 The Belsize CAAC have objected to the detailing and finish of the ramp approach to entrance door. Policy C6 promotes fair access and CPG Access for All states that entrances doors should have level or adequately ramped access. The ramp is within the demise of the property and while level access is welcomed, the Council advises that the ramp would be improved by enhanced visibility and appropriately designed handrails. On balance, while the ramp could be enhanced, it provides ramped access where there was none previously, and is generally in accordance with Policy C6.

7. Conclusion

- 7.1 The proposal for the retention of the shutter and awning is considered contrary to policies D1 Design, D2 Heritage, D3 Shopfronts and C5 Safety and Security. These policies promote high quality design that integrates with its surroundings and the preservation of conservation areas.

The retention of the external shutter, shutter apparatus including guide rails and housing box, and retractable awning result in an incongruous addition to the building considered harmful in design and visual amenity terms and would neither preserve nor enhance the wider Belsize Conservation Area.

- 7.2 You are advised that a brick bond grille or collapsible gates placed inside and set back from the shop window would not require planning permission.
- 7.3 You are advised that a retractable awning may be acceptable; however, it would need to retract into an appropriately designed blind box integrated with the shopfront, flush with the fascia sign. It should incorporate a minimum of 2.3 metres between the bottom of the blind and the pavement; and incorporate a minimum of 1 metre between the blind and the kerb edge, in accordance with guidance set out in CPG Design section 6 Shopfronts.
- 7.4 The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

8. Recommendation

- 8.1 Refuse planning permission and warning of enforcement action
- 8.2 The applicant has installed the external shutter, shutter apparatus including guide rails and housing box, and retractable awning, therefore the application is for retrospective development. In addition, two heaters have been installed externally to the glazing. As a result, the case will be passed to enforcement and the Council may commence proceedings. An informative will be attached to the decision advising of enforcement action to be taken.
- 8.3 **The Notice shall allege the following breach of planning control:** The unauthorised installation of an external shutter, shutter frame and box, retractable awning, and external heaters.
- 8.4 **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 external shutter, shutter frame and box, retractable awning and external heaters.
Period of Compliance: **3 months**

9. REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The installed external shutter, shutter frame and box, retractable awning and external heaters, by reason of inappropriate location, design and external appearance result in an incongruous addition to the building, and fail to preserve or enhance the character and appearance of the host building, the parade of which it forms a part, and the Belsize Conservation Area, contrary to the provisions of policies D1, D2, D3 and C5 of the Camden Local Plan 2017.