

Date: 16/09/2022
Your Ref: APP/X5210/W/22/3300966
Our Ref: 2018/5532/P

Contact: Leela Muthoora
Direct line: 020 7974 2506
Email: leela.muthoora@camden.gov.uk

Regeneration and Planning
Supporting Communities
London Borough of Camden
2nd Floor
5 Pancras Square
London
N1C 4AG

Tel: 020 7974 4444
www.camden.gov.uk/planning

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Appeal by Mr A Kubi
Site at 37 – 39 Belsize Lane, London, NW3 5AS

I write in connection with the above appeal against the refusal of planning permission (Ref: 2018/5532/P) for the ***Installation of security roller shutters, shutter boxes and awnings to shop fronts at no. 37 and 39 and access ramp to no. 37 (Retrospective)***.

1.0 Summary

- 1.1 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).
- 1.2 The Council's case is set out in detail in the Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

- 1.3 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also consider the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

- 2.1 In determining the abovementioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

- 2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

A1 Managing the impact of development
C5 Safety and Security
C6 Access for all
D1 Design
D2 Heritage
D3 Shopfronts

- 2.3 The Council also refers to the following supplementary guidance documents:

CPG Design (2021)
CPG Amenity (2021)
CPG Access for all (2019)

Belsize Conservation Area Statement (2002)

- 2.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

National Planning Policy Framework (2021)
The London Plan (2021)

3.0 Comments on the Appellant's case for grounds of appeal

- 3.1 The appellant's grounds of appeal are summarised as follows:

1. Appeal Site
2. Design
3. Impact on the character and appearance Conservation Area

4. Safety and Security
5. Access

4.0 Clarification on site address

- 4.1 Paragraph 5.6 of the appeal statement refers to the officer report paragraph 1.2 which states: -

‘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, have become lawful through the passage of time. Therefore, the assessment is limited to number 39 Belsize Lane only.’

The building numbers have been misidentified in error in this paragraph. To clarify, the shutter and awning at number 39 Belsize Lane has been in place for more than four years. Therefore, paragraph 1.2 of the officer’s report should be read as follows:

‘An external shutter, associated apparatus and retractable awning have been in place to the shop front of number 39 Belsize Lane since 2009 and having been in place for more than 4 years, have become lawful through the passage of time. Therefore, the assessment is limited to number 37 Belsize Lane only.’

This is clarified by the site plan in figure 1 below and site photos in figure 2 and 3 below. This is also clarified in the officers’ report, paragraph 3.5 (image 1), which shows the shopfront shutter and awning apparatus, paragraph 3.6 (image 2), and paragraph 3.7 (image 3). The site is also clarified by reference to the ramped access (outside number 37 Belsize Lane) in paragraph 6.1 of the report. As the unit has been amalgamated to combine 37 and 39 Belsize Lane, the site address is correct, but paragraph 1.2 is incorrect. The Council officer report and this appeal statement focuses on the awning and shutter box to the shopfront numbered 37 Belsize Lane.

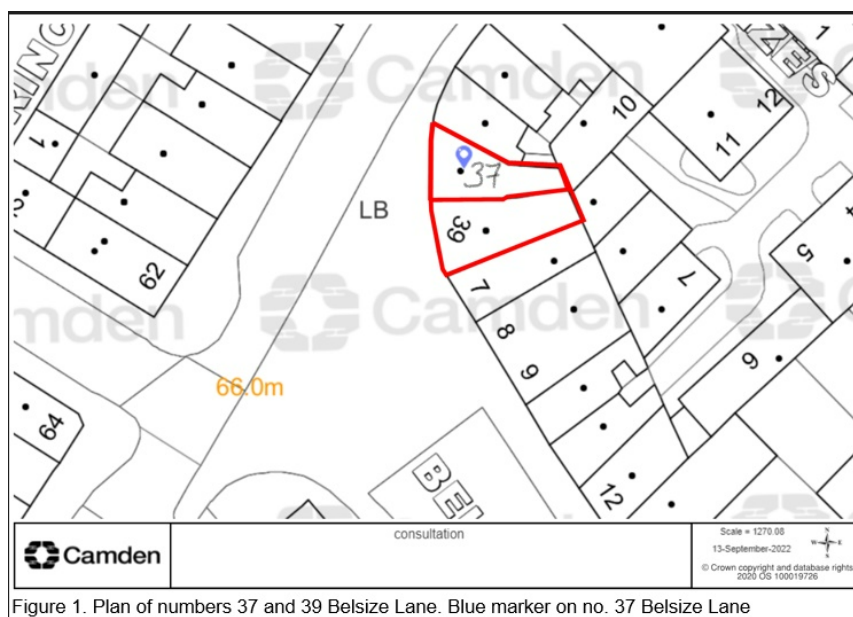




Figure 2. Photo of shop fronts of 37-39 Belsize Lane. 'Roni's' at number 37 Belsize Lane and 'Belsize Village' at number 39 Belsize Lane.



Figure 3. Photos of Shop front at number 37 Belsize Lane 'Roni's' (March and Sept 2018)



Figure 4. Google Street view October 2009: awning at no. 39 only



Figure 5. Google street view March 2018: awnings and shutters removed from both no. 37 and 39



Figure 6. Google street view July 2019: awnings and shutters installed at both no. 37 and 39

5.0 Design

5.1 Paragraph 5.7 and 5.8 of the appeal statement sets out the Conservation Area Statement guidance and Camden Design guidance. Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the

character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

- 5.2 The appellant argues that the awning and shutter are designed to match and assimilate with the shopfront and balances with the neighbouring shopfront.
- 5.3 The awning and shutter are not integrated into the shopfront and do not sit flush with the shopfront or fascia. As set out in the officer report paragraph 3.5, and demonstrated in photo below, the awning is mounted to the front of the shutter box adding additional bulk, contrary to Camden Planning Guidance (CPG) Chapter 6 Shopfronts: paragraphs 6.42 to 6.52.
- 5.4 Contrary to the appellant's view, the installation of the awning housing in front of the shutter box results in additional bulk to the shopfront and is incongruous to its design. As such, the proposal would fail to adhere to policy D1.



Above Left: Awning projection



Above Right: Shutter, Awning

Figure 7. 37 Belsize Lane projection. Larger images in Appendix A. (June 2019)

6.0 Impact on Conservation Area

- 6.1 Local Plan Policy D1 Design states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on

wider views and vistas. Local Plan Policy D2 Heritage states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

- 6.2 The site is within the Belsize Conservation Area and located in Sub Area 2. Belsize Village (incorporating Belsize Lane and the mews areas to the north, Belsize Crescent, and Belsize Terrace).

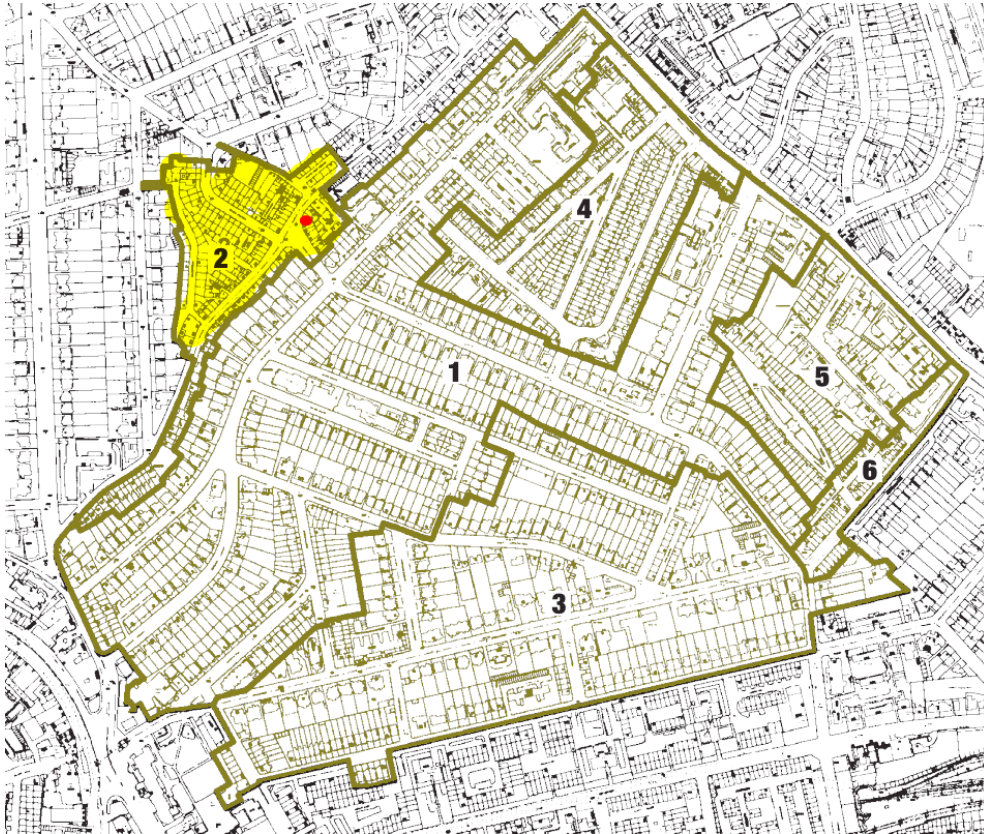


Figure 8. Belsize Conservation Area: Sub Area 2: Belsize Village: Site identified by red dot. CAS p. 11.

- 6.3 The Belsize Conservation Area Statement (2002) (CAS) identifies numbers 27- 39 Belsize Lane as a group of buildings that make a positive contribution to the Conservation Area. The description of 'Belsize Village' section of the sub area, on Page 19 of the CAS states: -

'The triangular space...provides an attractive focus and is a notable open space along Belsize Lane. The open space at Belsize Village forms an intersection of several routes and views, particularly along Belsize Lane eastwards towards the shops and northwards up Belsize Terrace. There are trees and benches within the space and it forms an attractive nodal point.'

The site fronts this space and forms part of its enclosure, making it prominent in views eastwards along Belsize Lane.

- 6.4 The appellant acknowledges that number 37 Belsize Lane has lost its original detailing in paragraph 5.7. The Belsize Conservation Area Statement states 'A number of the shops have lost their original detailing and have shopfronts of

*inappropriate design and materials (e.g. Nos.37, 52, 54, 58, and 60 Belsize Lane). **There is consequently scope for improvement.***’ (CAS, p.19) (Emphasis added by author).

- 6.5 As outlined in the officer report, the Belsize Conservation Area Statement (2002) advises in Guideline BE34 that there will be a general presumption against the use of external security shutters, grilles or meshes on shopfronts. The applicants would have to demonstrate that other security measures stated in Guideline BE33, such as internal shutters or grilles, are not feasible (page 42). This has not been provided.
- 6.6 Para 5.10 of the appeal statement refers to the local context, that the appeal sites shopfront is non-original and refers to several awnings and roller shutters of varying design and quality (figure 1 page 10). The examples provided include an external shutter box apparatus with solid screens at number 66 Belsize Lane, which has since been removed. The appellants’ examples of 33 Belsize Lane and 10A Belsize Terrace both demonstrate internal shutters of open-lattice or ‘brick bond’ type, as advised by Local Plan Policy D3 Shopfronts paragraph 7.78 and CPG Design, Chapter 6 Shopfronts: paragraphs 6.42 to 6.52.



From appellants statement page 10. ‘(Top Left) security shutters at no 33 Belsize Lane, (Top Right) security shutters at no.10A Belsize Terrace’

- 6.7 The appellant has highlighted a variety of awnings nearby, some of which are not considered to preserve or enhance the Conservation Area. In contrast, there are several awnings of better quality nearby that comply with Camden policy and guidance. The examples in the picture collage below are integrated to the shopfront, positioned flush with the fascia and numbers 31, 64 and 66 Belsize Lane retain traditional fixings. (Larger images in Appendix B.)



Above Left: 29 Belsize Lane



Above Right: 31 Belsize Lane



Above Left: 3, 44-46 Belsize Lane



Above Right: 64 Belsize Lane



Above Left: 72 Belsize Lane



Above Right: 66 Belsize Lane

Figure 9. Examples of Belsize Lane awnings. Larger images in Appendix B.

- 6.8 Local Plan Policies D1, D2 and D3, CPG Design and the Belsize CAS all seek improvements to shopfronts where they lost their original detailing. No. 37 Belsize Lane is identified in the CAS as a shopfront of inappropriate design and materials with scope for improvement. While the original, traditional shopfront has been lost, the development is an opportunity to improve the shopfront and enhance the Conservation Area. On the contrary, the addition of the bulk of the shutter box exacerbated by the awning fixing, detracts from the shopfront. See figure 7, in paragraph 5.4.

- 6.9 While the awning at number 37 matches that at number 39, the fixing of the awning onto the shutter box results in the additional projecting apparatus and bulk to the shopfront. During the application Council officers advised relocating the external shutter internally or relocating the awning to sit flush with the fascia following the removal of the shutter apparatus. See email Appendix C.
- 6.10 Due to its inappropriate location, design and appearance, the shutter, frame and box and awning result in an incongruous addition. The Council therefore disagrees with the assertion that the shutter and awning preserve the character and appearance of the conservation area.

7.0 Security

- 7.1 Paragraph 5.8 and 5.9 of the appeal statement argues the appellants need to install the security shutter, due to two incidences of burglary and vandalism in March 2018 and refers to (appendix 1 and 2). The appendices referred to have not been submitted to the Council. However, the appellant previously explained the incidents during the application.
- 7.2 As set out in Policy C5 of the Camden Local Plan, the Council requires development to incorporate appropriate design, layout, and access measures to help reduce opportunities for crime. The appellant has stated that the design of the shutter/awning has addressed security and safety concerns. While the need for security is acknowledged, the appellant has not provided evidence that they have considered internal grills and/or security shutters and improved lighting, as advised during the application. Whilst it affords some security this does not outweigh the harm caused to the host building and the conservation area. As explained in the paragraph 5.4 of the officer report, when closed, roller shutters create a blank frontage, appear visually unattractive, and can generate feelings of insecurity in those walking by; they obscure the shopfront and prevent natural surveillance between the street and premises resulting in a less welcoming appearance. As set out in Local Plan Policies D1, D3, C5, CPG Design and the Belsize CAS guideline BE33, the applicant has not demonstrated the Council's preferred security measures are not feasible.

8.0 Access

- 8.1 Paragraph 5.11 of the appeal statement sets out the harm would be outweighed by the public benefit of providing inclusive access to the building, improving the sites security, ensuring continued operation of an existing local independent business.
- 8.2 Local Plan Policy C6, Access for All, requires new buildings, spaces, and facilities that the public may use to be fully accessible to promote equality of opportunity. The officers' report acknowledges the access ramp and advises in paragraph 6.1 it is

generally in accordance with Policy C6. This does not outweigh the harm caused by the inappropriate awning/shutter apparatus.

9.0 Conclusion

- 9.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would be contrary to policies D1, D2, D3, and C5 of the London Borough of Camden Local Plan 2017.
- 9.2 The information submitted by the appellant in support of the appeal does not address or overcome the Council's concerns. The proposed development by reason of its location and design, would result in visual clutter which would cause harm to the character and appearance of the host property and Belsize Conservation Area.
- 9.3 Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.
- 9.4 It is not considered that any conditions would be sufficient to mitigate the detrimental impact of the proposed development on the character and appearance of the host property and local views. As such, no conditions are suggested.
- 9.5 If any further clarification of the appeal statement is required, please do not hesitate to contact Leela Muthoora on the above direct dial number or email address.

Yours sincerely,

Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

List of Appendices

Appendix A: Site photos of 37 Belsize Lane awning and shutter box

Appendix B: Examples of awnings on Belsize Lane

Appendix C: Email 17/01/2019