



PLANNING APPEAL

LONDON

Appellant's Planning Appeal Statement

35 Pratt Street London NW1 OBG

"Installation of a frameless glass door".

Appellant: Mr H Ahmed

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1 INTRODUCTION

- 1.1. The application which is the subject of this appeal was made on 18 August 2021. It was on a combined application form seeking planning permission for the description of development stated above as well as for advertising consent for a projecting sign. The development has already been carried out. The local planning authority ("the LPA") by separate decision notice for the planning element dated 31 March 2022 refused planning permission for the development. A delegated report accompanied the decision notices.
- 1.2. This statement should be read in conjunction with the documentation and plans submitted to the LPA as part of the application together with the planning history and ALL the evidence and case law now being submitted. This statement and the evidence will seek to address the areas of difference between the parties.
- 1.3. The photographs below including street images with submitted comments underneath show the existing development on site as well as the wider street scene and context.



Front photo showing the 2 sets of original timber framed double doors either side of the set-back and covered entrance to the restaurant with the visually low-key presence of the frameless glass doors providing symmetry and an uplifting twist at street level.



The development in context of the wider street scene including the street, awnings and sign projections and mixed character type and colour of neighbouring commercial premises.



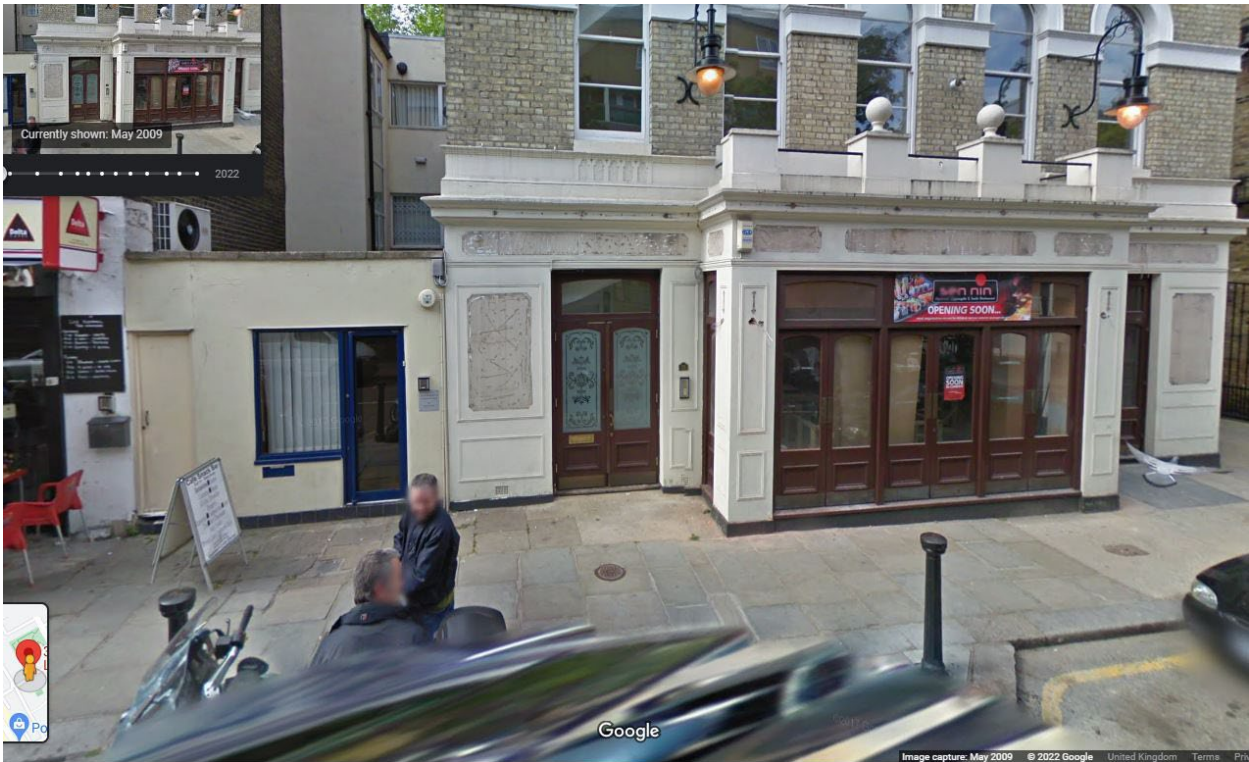
The glass frame blending in visually with the grey colour of the timber surrounds at the projecting entrance; it is submitted that the riot of colour in the streetscene provided by neighbouring entrances, awning and clutter draws the eye away from the development and hence the impact of the tempered glass is not as pronounced.



The glass frame blending in visually with the grey colour of the timber surrounds and street paving stones' colour at the projecting entrance imbuing some uniformity and softening any perceived harm.



Google street view 2008



Google street view 2009



Google street view 2012 – the LPA has included this photo in its officer report citing it as the pre-existing frontage.



Google street view 2014



Google street view 2015



Google street view 2016



Google street view 2017



Google street view 2018



Google street view 2019



Google street view 2020



Google street view 2021



Pre-existing front



Google street view 2022 of the immediately surrounding commercial neighbours with variety of entrance types, colour, street clutter and character.



Google street view 2022 showing more oppressive and austere and visually harmful shopfronts forming part of local character and appearance.

2 PLANNING HISTORY

- 2.1. As per the officer delegated report. However, the LPA has failed in its duty of candour to state that the application under reference 2018/3951/P was allowed at appeal and the appeal decision is a material consideration. The Appellant provides a copy of the appeal decision, submitted documentation and plans as approved under that application and the Inspector is requested to read these fully for contextual understanding.¹ In particular, it is to be noted that the proposal had a

¹ See Appendix 1

different layout of the entrance with a single door only that did away with the visually symmetry that prevailed previously; while the instant entrance arrangement is in glass, the upshot is the preservation of the symmetry of the ground floor frontage of the building. The Inspector is invited to take into account in particular the contents of paragraphs 2.1-2.5, 3.2, 6.21, 7.3, 7.4 and 7.6 of the PDAS dated August 2018 as well as paragraphs 4.1-4.4, 7.1-7.5 of the Heritage note that accompanied that application; these demonstrate that even under the previous application, the frontage was approved under appeal as being modernized without causing harm to the local heritage asset. For brevity, the Appellant relies on the same submissions made previously in the reference documents cited above.

3 RECENT SIGNIFICANT POLICY DEVELOPMENTS

- 3.1. The London Plan was adopted on 2 March 2021 and its policies supersede the 2016 London Plan. It is also the most recent part of the development plan to be adopted.

4 DEVELOPMENT PLAN

London Plan 2021

Chapter 3: Design

- 4.1. **Policy D1** London's form, character and capacity for growth. Defining an area's character to understand its capacity for growth.
- A.** Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth.
 - B.** In preparing Development Plans, boroughs should plan to meet borough-wide growth requirements, including their overall housing targets, by:
 - 1) using the findings of area assessments (as required in Part A) to identify suitable locations for growth, and the potential scale of that growth (e.g. opportunities for extensive, moderate or limited growth) consistent with the spatial approach set out in this Plan; and
 - 2) assessing the capacity of existing and planned physical, environmental and social infrastructure to support the required level of growth and, where necessary, improvements to infrastructure capacity should be planned in infrastructure delivery plans or programmes to support growth.

- 4.2. Paragraph 3.1.1 (emphasis added): *"This Plan provides a policy framework for delivering Good Growth through good design. Part A of this policy sets out the requirements for assessing an area's characteristics and Part B sets out the steps for using this information to establish the capacity for growth of different areas and ensure that sites are developed to an optimum capacity that is responsive to the site's context and supporting infrastructure."*
- 4.3. Paragraph 3.1.2 (emphasis added): *"Understanding the existing character and context of individual areas is essential in determining how different places may best develop in the future. An evaluation of the current characteristics of a place, how its past social, cultural, physical and environmental influences have shaped it and what the potential opportunities are for it to change will help inform an understanding of an area's capacity for growth and is crucial for ensuring that growth and development is inclusive."*
- 4.4. Paragraph 3.1.3 (emphasis added): *"It is important to understand how places are perceived, experienced and valued."*
- 4.5. Paragraph 3.1.7 (emphasis added): *"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."*

5 MATERIAL CONSIDERATIONS (MC)

MC1. National Planning Policy Framework ("Framework", "NPPF") July 2021

- 5.1. The Framework has no force of statute, it is no more than guidance but it and its policies amount to material considerations to be taken into account under the section 38(6) decision-making process primacy being accorded to the Development Plan as the starting point of decision making (paragraphs 2 and 12).
- 5.2. Paragraph 8 stresses the three objectives of sustainable development that the planning system seeks to achieve: economical, social and environmental.
- 5.3. Paragraph 38 encourages positive and creative decision making to achieve sustainable development especially in areas strategically earmarked for development and regeneration.

- 5.4. Section 6 entitled Building a strong, competitive economy takes on a renewed and stronger focus as the country's renewed growth economic trajectory after the Covid-19 pandemic starts to splutter in the wake of the cost of living crisis and the impending recession. Paragraph 81: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 82 d) guides on how planning policies need to be flexible to allow for new working practices and to enable a rapid response to changes in economic circumstances.
- 5.5. Paragraph 86: Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

MC2. Previous Appeal Decisions

- 5.6. The Appellant draws particular attention to the enforcement appeal decision letter APP/X5210/C/19/3221168 and APP/X5210/C/19/3221184 where planning permission was granted at nearby 82 Camden High Street NW1 0LT (in fact within the Camden Town Conservation Area) for the "installation of a recessed shopfront with bi-folding doors."² The Inspector's comments are rational and based on the existing fact and evidence on the ground. They provide support for the instant proposal in close proximity but outside of the conservation area. The Inspector is also invited to see several installations of new shopfronts on Camden High Street for example at number 35 approved by the council under its reference 2020/5547/P. The principle of consistency in decision-making also applies.
- 5.7. While not exactly like for like development, there are a number of similarities in principle to some other allowed appeal decisions especially so when those proposals were development installing modern extensive glazing in conservation areas of the borough. The Appellant submits documentation in relation to three appeals which are self-explanatory.³

6 REASONS FOR REFUSAL, DELEGATED OFFICER REPORT AND APPELLANT REBUTTALS /SUBMISSIONS

² See Appendix 1A

³ See Appendix 2, 3 and 4

Refusal Reason 1: "The replacement frameless tempered glass doors by reason of their 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 and D2 of the London Borough of Camden Local Plan 2017."

- 6.1. The Appellant disputes this characterisation and says that the tempered glass doors is a modest and characterful change and blends in with the surroundings while giving the ground floor of the building a pleasing visual symmetry and uplift. The doors provide a welcoming invitation to enter the restaurant therefore making a contribution to the vitality of the commercial frontage. The elements that contribute to the non-designated heritage status of the building lie in the upper parts of the building and are not affected. The neighbouring shop fronts already display a variety of colour and frontages including full metal shutters that arguably cause more harm to local character.
- 6.2. The Appellant submits that shopfronts in the area have been "replaced or altered periodically, resulting in little uniformity" and that the shopfront should be treated as another shopfront that contributes to "the eclectic and often distinctive character" of the street scene making a positive contribution to the character and appearance of the area.

7 CONCLUSION

- 7.1. After the Inspector has taken all the above matters and the accompanying evidence submitted in the overall planning balance, it is respectfully requested that this appeal be allowed and planning permission for the application be granted in this location and which the Appellant submits accords with the development plan taken as a whole and/or the material considerations discussed in this statement.
- 7.2. It is submitted that the Framework has the same policy aims variously as highlighted in this statement.

8 LIST OF APPENDICES

1. Appeal decision letter APP/X5210/W/19/3229023 and supporting documentation and plans approved under LPA reference 2018/3951/P
2. Appeal decision letter APP/X5210/C/19/3221168 and APP/X5210/C/19/3221184
3. Appeal decision letter APP/X5210/W/21/3266341
4. Appeal decision letter APP/X5210/A/14/2228360
5. Appeal decision letter APP/X5210/A/10/2138866