

Delegated Report	Analysis sheet	Expiry Date:	18/11/2022		
	N/A / attached	Consultation Expiry Date:	09/10/2022		
Officer		Application Number(s)			
Sam FitzPatrick		2022/2407/A & 2022/2408/P			
Application Address		Drawing Numbers			
155-157 Highgate Road London NW5 1LJ		See decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
2022/2407/A – Display of 3x internally-illuminated fascia signs and 1x illuminated projecting sign (retrospective).					
2022/2408/P – Installation of new shopfronts to front and side elevations and addition of level access slope (retrospective).					
Recommendation(s):	i) Refuse Advertisement Consent and Warning of Prosecution Action to be taken ii) Refuse Planning Permission and Warning of Enforcement Action to be taken				
Application Type:	i) Advertisement Consent ii) Full Planning Permission				
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice				
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	00	No. of objections	00
Summary of consultation responses:	Site notice was displayed near to the site from 09/09/2022 to 03/10/2022. The application was publicised in the local press on 15/09/2022 and expired on 09/10/2022. No responses were received.				

<p>Dartmouth Park CAAC</p>	<p>Two objections were received – one for each application. They can be summarised as follows:</p> <ul style="list-style-type: none"> • Replacement shopfront is not characteristic of parade and features unattractive features such as bulky roller shutter boxes • New fascia signage is oversized, features internal illumination, and covers the original historic fascia panels. It disrespects the original parade design and is not characteristic of CA. • Side fenestration features boarding and panelling that reduces transparency and design quality. • Street numbers are not displayed permanently as required.
<p>Dartmouth Park Neighbourhood Forum</p>	<p>No response received.</p>

Site Description

The application site is a three storey end of terrace house, with the ground floor having been converted into a shop and the upper floors having been subdivided into flats. The site relates to the ground floor only, which is on the corner of Highgate Road and Gordon House Road. The property is not listed but lies within the Dartmouth Park Conservation Area.

Relevant History

Planning History:

2017/4469/P – Replacement of shop entrance door. **Granted 13/11/2017**

2004/0913/P – Relocation of existing condenser units from the front of the building to the rear and install gates to rear entrance. **Granted 15/04/2004**

9500663 – Change of use of the ground floor and part of the first floor to restaurant. **Refused 14/07/1995**

8501626 – Installation of a new shopfront at 157 Highgate Road. **Granted 31/10/1985**

E11/14/C/28788 – Change of use of ground floor from shop to showroom and display purposes, together with the installation of a new shopfront and ancillary repair workshop at the rear. **Granted 10/09/1979**

E11/14/C/11177 – Installation of a new shopfront at 155 Highgate Road. **Granted 11/07/1971**

Enforcement History:

EN22/0606 – New installation of aircon units (significantly exceeding specs of previous units – investigation ongoing, case opened 25/07/2022

EN22/0498 – No disabled access – investigation ongoing, case opened 23/06/2022

EN22/0353 – Adverts – investigation complete after advert banners removed, case closed 14/06/2022

EN22/0348 – Works being carried out to the exterior of the shop with no planning application – investigation complete due to duplicate case EN22/0346, case closed 24/05/2022

EN22/0346 – Installation of solid security shutters – investigation ongoing, case opened 29/04/2022

Officer comment: These applications have been submitted in order to regularise and rectify the recent unauthorised works.

Relevant Policies

National Planning Policy Framework 2021

London Plan 2021

The Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

D3 Shopfronts

D4 Advertisements

C6 Access for all

Camden Planning Guidance

CPG – Design 2021

CPG – Adverts 2018

Dartmouth Park Conservation Area Appraisal (2009)

Assessment

1.0 Proposal

1.1 Retrospective planning permission is sought for the installation of new shopfronts to the front and side elevations of the ground floor, as well as advertisement consent for the display of three internally illuminated fascia signs and one illuminated projecting sign. The works were carried out without permission and enforcement cases were raised under ref. EN22/0498 (dated 23/06/2022) and ref. EN22/0346 (dated 29/04/2022). The applicants were instructed to apply for retrospective permission for the changes made to the site. The proposal involves:

- Replacement of existing part timber, part aluminium shopfront with new aluminium shopfront;
- Installation of level access slope to entrance;
- Installation of fascia boards and associated advertisements
- Installation of projecting sign
- Replacement of metal shutter boxes

2.0 Assessment

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

- The design impacts on the building and surrounding Dartmouth Park Conservation Area
- The impacts caused upon the amenities of the neighbouring properties and area

3.0 Design

- 3.1** The Camden Local Plan Policy D1 requires development to be of the highest architectural and urban design quality, aiming to improve the function and appearance of the local area, while respecting its context and character. Policy D2 aims to preserve and enhance heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is less than substantial to the significance of the heritage asset unless the public benefits of the proposal significantly outweigh that harm. Policy D3 seeks to ensure that altered or new shopfronts are designed to a high standard that respects the relationship between the shopfront and the site building, as well as the wider area. Factors such as accessibility and community safety should also be considered. Policy D4 requires advertisements to preserve or enhance the character of the setting and host building, and be of the highest standard of design, material, and detail. Unsightly advertisements or those that cause light pollution will be resisted.
- 3.2** Guidance contained within CPG 'Design' states that design should respond positively to context and character and integrate well with the existing character of a place, building, and its surroundings. In addition, development in conservation areas should only be permitted if it preserves or enhances the character and appearance of the conservation area. The CPG 'Adverts' states that the most satisfactory advertisements are those that take into account the character, design, and external fabric of the host building – with as little alteration of the external fabric where possible. Where advertisements are located within conservation areas, more consideration and sensitivity will be required, and features such as internal illumination will be considered unsuitable.
- 3.3** The application states that the pre-existing shopfront was aluminium. However, the Council contends that the previous shopfront appears to have been timber and the only aluminium feature was the frame for the box shutter and the entrance door. The new aluminium structure is not considered acceptable or in keeping with the wider conservation area. These materials are non-traditional and detract from the appearances of the front and side elevations. This is especially notable when compared with other shopfronts in the area, such as 143-145 Highgate Road, which features an historic timber shopfront.
- 3.4** The installation of a level access slope to the entrance is supported, however the design shown in the drawing does not match that which has been installed on site which is a temporary metal sheet of flimsy appearance and construction which does not extend the full width of the doorway and is likely to be unsuitable for certain users.
- 3.5** The newly installed fascia sign projects significantly beyond the original fascia board resulting in an uncomfortable relationship with the historical features of the shopfront. It is considered a bulky and incongruous feature which negatively impacts on the host building, streetscene, and wider conservation area. The signage on the fascia is very large and bulky, giving it visual prominence that does not respond positively to the context of the building, especially given the original fascia and proportions of the shopfront are no longer visible or clear, as with the previous shopfront. The signage is also unduly dominant and does not respect the character of the wider terrace, so is deemed harmful as set out by 1.17 of the 'Adverts' Camden Planning Guidance 2018. The Dartmouth Park Conservation Area Statement is also clear that a proliferation of signage,

particularly illuminated, could cause harm to shopping parades. The lettering on the fascia sign and projecting sign are also internally illuminated; although internal illumination of the lettering could be acceptable in some contexts, the scale and cumulative impact of multiple illuminated elements of significant size and protrusion means the proposed design is considered to be inappropriate. The site is also located within a conservation area and, although on a prominent road, has a residential character – meaning that internal illumination is unsuitable, as set out by 1.15 of the ‘Adverts’ Camden Planning Guidance 2018. The site’s prominent location on the corner of two busy roads also highlights the unsympathetic design of both the shopfront and the advertisements.

3.6 Policy D3 summarises that solid security shutters are considered unsightly, create inactive frontages when closed, and can generate feelings of insecurity in those walking by, hide intruders, and encourage graffiti. The existing box shutter is not considered lawful and so the proposed replacement is not a material consideration. As such, the replacement of the shutter box is also considered unacceptable, particularly as it adds additional bulk to just below the fascia sign. Overall, it detracts from the character and appearance of the host property and wider Conservation Area.

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

4.0 Amenity

4.1 Policy A1 of the Camden Local Plan seeks to protect the amenity of Camden’s residents by ensuring the impact of development is fully considered, and that development protects the quality of life of occupiers and neighbours. This includes privacy, outlook, daylight and sunlight.

4.2 Whilst unacceptable on design and conservation grounds, the illuminated signage is not considered to be harmful to amenity. The site is located on a commercial high street and the nearest residential windows are located above and sufficiently set back from the signage for light spill to avoid a harmful impact.

RECOMMENDATION

Recommendation 1: Refuse planning permission

Recommendation 2: That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to require the removal of the unauthorised shopfronts, level access ramp, and box shutter, and that officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Without planning permission, the installation of a replacement shopfront, access ramp, and roller box shutter.

WHAT YOU ARE REQUIRED TO DO:

1. Completely remove the shopfronts to the front and side elevations and make good any resulting damage;

2. Completely remove the access ramp to the front of the premises;
3. Completely remove the box shutter to the front of the premises and make good any resulting damage;
4. Reinststate a timber shopfront to replicate the material, design, and proportions of the pre-existing shopfront;

PERIOD OF COMPLIANCE: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- a) The development has occurred within the last 4 years;
- b) The unauthorised shopfront, access ramp, and box shutters, by reason of their siting, scale, and design are considered an unsympathetic alteration which has a detrimental impact on the character and appearance of the host building, the wider streetscene, and the surrounding Dartmouth Park Conservation Area. The development is therefore contrary to policies D1 (Design), D2 (Heritage), and D3 (Shopfronts) of the London Borough of Camden Local Plan 2017.