

Date: 27/02/2023
Your ref: APP/X5210/W/22/3307837
Our refs: 2021/5885/P
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Dear Roxanne Gold,

Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)
Appellant: Create Reit Ltd
Site: 307 Gray's Inn Road. London. WC1X 8QS.

I write in connection with the above appeal against the Council's refusal to grant planning permission for the replacement shopfront, residential entrance and access steps with covering over of the light-well, at the site address above.

The Council's case is set out primarily in the delegated officer's report (ref: 2021/5885/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1. Summary of the Case

1.1. The appeal relates to the ground floor of the host property, which is a well proportioned three storey, plus roof space, London stock brick building fronting Gray's Inn Road, near to the corner of St Chad's Street on the west side of the road. There is an existing shop at ground floor and basement levels with a frontage of traditional appearance, which is accessible up three steps and via the main entrance door to the left hand side. There are residential spaces to the upper floors, which are accessible up three steps and through the door to the right hand side. Separating these entrances is a light well which is enclosed by black metal railings. The shop front is painted yellow in colour, the residential door is painted white. Above the entire frontage is a plain fascia panel which is displaying no signage.

1.2. The appeal site is not listed, but is within the King's Cross St Pancras Conservation Area and also in close proximity to listed buildings opposite the site on Gray's Inn Road and also at St Chad's Street nearby.

1.3. Planning permission for the replacement shopfront, residential entrance and access steps with covering over of light-well was refused on 27th September 2022.

1.4. The planning application was refused on the grounds that:

(1) The proposed shopfront, by virtue of its design and location, would result in an unsympathetic and incongruous frontage that would have a detrimental impact on the character and appearance of the host building and wider Kings Cross St Pancras Conservation Area, contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017.

(2) The proposed infilling of the light-well and removal of railings would be detrimental to the character and appearance of the host property and the wider Kings Cross St Pancras Conservation Area contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017.

1.5. The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

2. Relevant History

2020/1648/P - Installation of replacement shopfront, residential entrance and access steps with covering over of light-well. **Refused 18/01/2021.**

Reasons for refusal:

1. The proposed shopfront, by virtue of its size, design and location, would result in an unsympathetic and incongruous frontage that would have a detrimental impact on the character and appearance of the host building and wider Kings Cross conservation area, contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfront) of the Camden Local Plan 2017.

2. The proposed infilling of the light-well and removal of railings would be detrimental to the character and appearance of the host property, the wider area and Kings Cross Conservation Area contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfront) of the Camden Local Plan 2017.

APP/X5210/W/21/3268650 Appeal Dismissed 20/10/2021.

Reasons for dismissal:

"Therefore, although I do not find harm would be caused due to the removal of the lightwell and railings, I find that the proposed shopfront, due to its overall design, would cause harm, and thereby fail to preserve or enhance the character and appearance of the KCCA. It

would be contrary to Policies D1, D2 and D3 of the Camden Local Plan (2017). Collectively, these policies require that development is of high-quality design, that preserves or enhances the character or appearance of the area, and for shopfronts, that these are of a high standard of design". (Appeal Decision, para 13, page 2).

3. Status of Policies and Guidance

Adopted policies

- 3.1. The Camden Local Plan was adopted on 3 July 2017. The policies cited below are of relevance to the applications.

Camden Local Plan 2017

A1 Managing the impact of development
C6 Access for all
D1 Design
D2 Heritage
D3 Shopfront

Camden Planning Guidance

- 3.2. In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

CPG Amenity (2018)
CPG Design (2019)
CPG Town Centre and Retail (2021)

- 3.3. The revisions to the various CPGs have no material implications for the matters relevant to this appeal.
- 3.4. The Kings Cross/ St Pancras Conservation Area Statement (2003) was adopted on the given date and defines the special character of the conservation area and sets out the Council's approach for its preservation and enhancement.

London Plan

- 3.5. The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was adopted in March 2021. Chapters 3 (Design), 6 (Economy) and 7 (Heritage and Culture) of the London Plan 2021 are most applicable to the determination of this appeal.

NPPF

- 3.6. The National Planning Policy Framework (NPPF) was published in April 2012 and revised most recently in March 2021 prior to the determination of the application. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. Of particular relevance to this appeal is the NPPF 2021 update under para. 134 which states that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’

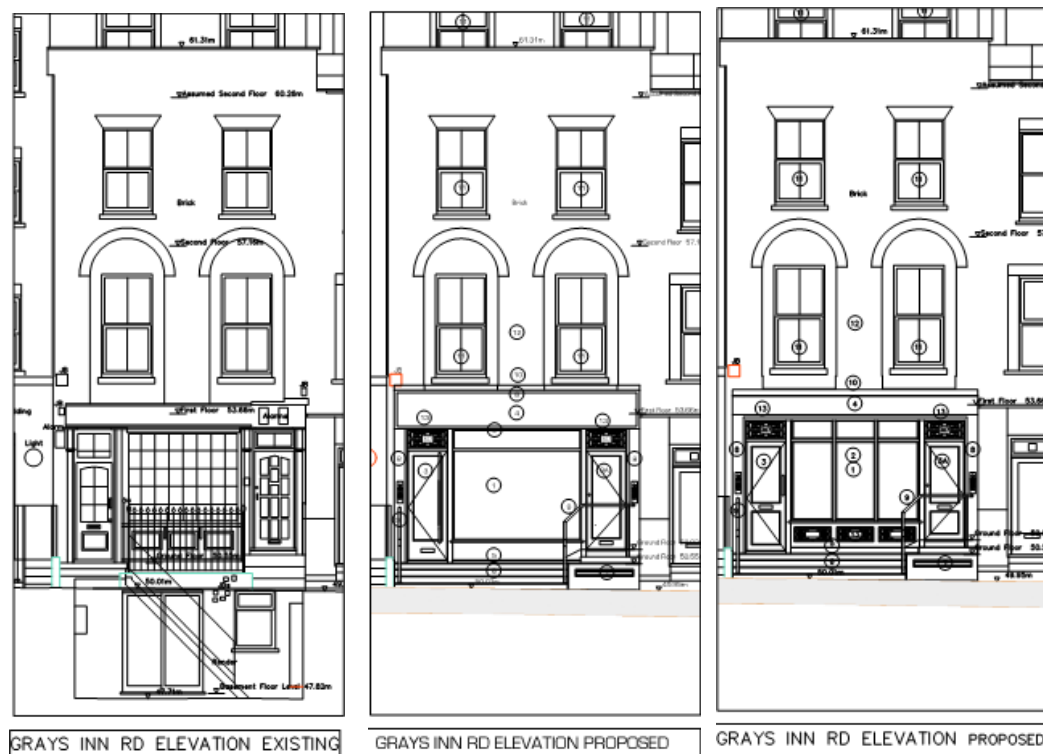
As outlined in the officer’s delegated report, the development is contrary to CPG guidance and policies A1, D1, D2 and D3 of the Camden Local Plan. Therefore it is also considered contrary to para 134 of the NPPF 2021.

3.7. The Council’s adopted policies are recent and up to date and should be accorded due weight in accordance with paragraph 219 of the NPPF. There are no material differences between the Council’s adopted policies and the NPPF in relation to this appeal. The full text of the relevant adopted policies was sent with the questionnaire documents.

4. Comments on the appellant’s grounds of appeal

4.1. Within their Appeal Statement, the Appellant provides background to the current appeal with reference to a previous refusal for planning permission (ref: 2020/1648/P) and dismissal of the appeal which followed (ref APP/X5210/W/21/3268650) for very similar proposed works at the same site.

4.2. For clarification; the existing shopfront is shown in elevation below, along with the previous and most recently refused proposals.



Left: Existing Shopfront. Centre: Proposed 2022/1648/P. Right: Proposed 2021/5885/P

4.3. For the avoidance of doubt, the proposed shopfront subject to this appeal is that on the right (proposed 2021/5885/P). The notable differences between the previously dismissed scheme and the proposal under appeal here are; to the fascia panel which is reduced in scale, and the subdivision of the main window with glazing bars.

4.4. The appellant seeks to establish that the existing shopfront is not original and therefore is not worthy of preserving. The Council does not dispute the originality of the existing shopfront; however, officers do consider the existing shopfront to be of better design quality than both the proposed replacements, 2020/1648/P, which was refused and dismissed, and the slightly altered and re-submitted proposal, 2021/5885/P, which has been refused and is subject of this appeal.

4.5. The appellant's grounds of appeal here relates to the reasons for refusal, which are as follows:

(1) The proposed shopfront, by virtue of its design and location, would result in an unsympathetic and incongruous frontage that would have a detrimental impact on the character and appearance of the host building and wider Kings Cross St Pancras Conservation Area, contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017.

(2) The proposed infilling of the light-well and removal of railings would be detrimental to the character and appearance of the host property and the wider Kings Cross St Pancras Conservation Area contrary to policies A1 (Impact of development), D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the Camden Local Plan 2017.

- 4.6. The Appellant quotes the previous inspector's decision in relation to the design of the shopfront, *"Although the broad positioning of the openings in the proposed shopfront remains consistent when compared to the existing shopfront, the lack of any notable detail in the main window creates a large expanse of undivided glazing resulting in a bland and uninspiring appearance."* (Appellant Appeal Statement para 5.4), and from this the appellant appears to conclude that the only issue with the previous proposal is that the glazing should be subdivided.
- 4.7. The Council considers that the reduced fascia and the specification of glazing bars to the main window is preferable to the previous design approach, however officers do not consider the overall design to be of greater quality than the existing arrangement. Officers consider the existing shopfront to be more suitable for the character of the conservation area and setting of nearby listed buildings.
- 4.8. The appellant states that the removal of the railings and lightwell, would return the host building to its original form. As above, the Council does not dispute the originality of the shop front, however Officers considers that the existing shopfront was designed with a traditional appearance in order to suit the host building, the street scene and wider conservation area context. The proposal under consideration is not considered to improve the appearance of the host building, nor better contribute to the character of the conservation area.
- 4.9. Due to the poor design of the proposed replacement shopfront, and inappropriateness due to the unsympathetic and incongruous proposed frontage, the proposal would neither preserve nor enhance the surrounding Kings Cross/ St Pancras Conservation Area.

5. Conclusion

- 5.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies.
- 5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

6. Conditions

- 6.1. Should the inspector be minded to allow the appeal, it would be requested that conditions in Appendix A are attached the decision.

Should any further clarification or submissions be required, please do not hesitate to contact Matthew Dempsey by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Matthew Dempsey

Appendix A

Recommended conditions: 2021/5885/P

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.