



Town and Country Planning Act 1990

Section 78 Planning Appeal

Site: 94 Camden Road, London, NW1 9EA

Grounds for Appeal

By

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On Behalf of the Appellant

Mr. T & S Sestili & Cuppari

Date: 4 December 2022

The Development

Alterations to existing shopfront to include installation of retractable awning, placing of tables and chairs within a 1m high timber enclosure and introduction of a ramped access to the front entrance.

CONTENTS

- 1.0. Introduction.
 - 2.0. Grounds for Appeal.
 - 3.0. Summary and Conclusion.
-

1.0. INTRODUCTION.

- 1.1. This document provides Grounds of Appeal against the Council decision to refuse planning permission for installation of retractable awning, erection of a timber enclosure and planters to forecourt and introduction of a ramped access to the front entrance (retrospective). The appeal site is the property at no. 94 Camden Road, London, NW1 9EA.
- 1.2. The planning officer's report, planning statement and drawings have set out the details of the site, its context, relevant planning history, and planning policies. Accordingly, it is not intended to repeat those details here.
- 1.3. The application was received as valid by the Council on 10/06/2022 and it was given a reference number 2022/1770/P. Unfortunately, this application was refused planning permission on 24/11/2022 under delegated powers.
- 1.4. The next section will set out the grounds for appeal for this appeal submission.

2.0. GROUNDS FOR APPEAL.

- 2.1. This section sets out grounds for this appeal submission against the reasons of refusal of planning permission. The application was refused for the following two reasons.

2.2. Refusal Reason - 1.

- 2.2.1. *The canopy, enclosure, and planters, by virtue of their siting, size, and design, appear as bulky, incongruous, and unsympathetic additions that harm the character and appearance of the host property, street scene and conservation area, contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017.*

2.2.2. Response to Refusal Reason 1:

- 2.2.3. Contrary to the Council's view, the appellant argues that the development being the canopy, enclosure and planters would preserve the character and appearance of the host building, street scene and this part of the Camden Broadway Conservation Area.
- 2.2.4. This is because enclosures and canopies (retractable awnings) are characteristic features to the forecourts of this part of the shopping parade and are integrated as part of the streetscape. The proposal follows the prevailing pattern of development in the

area in terms of provision of customer outdoor seating areas on the pavement to the front of shops as demonstrated on the photographs below.





2.2.5. There are similar enclosures in the area which are enclosed with silver posts including at adjoining restaurant. There are also tables and chairs including benches to the forecourts of properties. In addition, there is a restaurant and café opposite the site which has a similar enclosure constructed with rendered bricks with metal railings above it. In this context, the street scape is characterized by a diversity of similar enclosures and external seat out areas which display no consistency in construction materials and appearance. The enclosure is constructed in timber materials which is normally considered to be sympathetic in conservation areas and when viewed from the surrounding street scenes, its visual impact is acceptable to its context.



2.2.6. The existing enclosure is 1.24m in height, and 2.09m deep. The appellant is proposing to reduce the height of the timber enclosure to 1m high, and depth to 1.59m deep. The proposed would be even more modest in scale, size, and bulk. Contrary to the Council's view, the proposed would a neutral visual effect from the street scene and would harmonise well within streetscape. The visual effect in conservation area would be acceptable.



2.2.7. Turning on to the issue with planters, the appellant argues that the planters are introduced to soften the appearance of the enclosure and host building as well as to add visual interest and to contribute to the urban greening. The planters are small in size and would be painted to match the appearance of the enclosure. This element of the proposal is acceptable in terms of their siting, size, design, and modesty and would

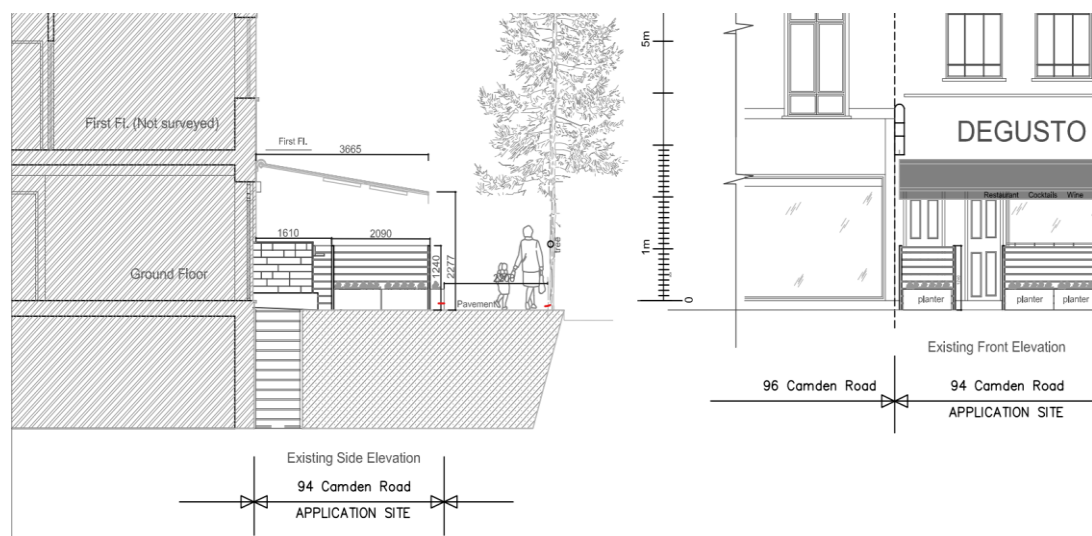
harmonise with their context whilst making a positive contribution to the street scene, and this part of the conservation area in accordance with the aims of Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2.3. Refusal Reason – 2.

2.3.1. *The timber enclosure, by virtue of its siting and size, results in a pavement width that is not wide enough for the number of people expected to use it, which is detrimental to the quality of the public realm and hinders pedestrian movement and accessibility by vulnerable or disabled users, contrary to policies A1 (Managing the impact of 2 development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.*

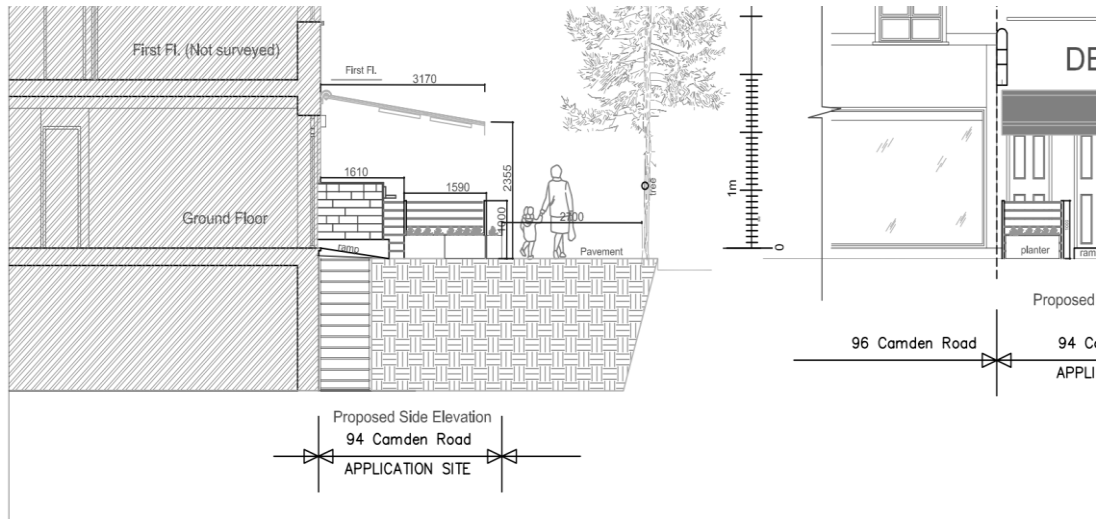
2.3.2. Response to Refusal Reason 2:

2.3.3. Contrary to the Council's view, the appellant argues that the proposed timber enclosure retains sufficient pavement width that would allow for pedestrian movements without any obstructions and effect on the public realm would be acceptable. There is a street tree on the pavement adjacent to the existing timber enclosure. The tree is located 2.2m from the existing enclosure.



2.3.4. The appellant is proposing to increase the separation distance from the enclosure to the tree from 2.2m to 2.7m wide not from 1.5m to 2m wide as misrepresented by the Council in her delegated report. Policy T1 of the Camden Local Plan states that development should provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Camden's Streetscape Design manual – section 3.01 footway width states: “‘Clear footway’ is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway: 1.8 metres – minimum width needed for two adults passing; 3 metres – minimum width for busy pedestrian street.

2.3.5. Considering the characteristics of the site, streetscape and wider context proposed increase in the separation distance by up to 2.7m between the enclosure and the tree would be acceptable in highways terms. The siting of enclosure together with planters as proposed would retain a pavement width that would allow for the free movement of pedestrians and wheelchair access without any hinderance, or obstruction as alleged by the Council. The development will add visual interest to the streetscape which would enhance this part of public realm in accordance with the aims of Policies A1, C6, and T1 of the London Borough of Camden Local Plan (2017).



3.0. SUMMARY AND CONCLUSION

- 3.1. We have considered the Council's reasons given to refuse planning permission for the proposed development against the provisions of the development plan and other material considerations. As demonstrated within the body of this appeal statement, the proposal is modest, and it's considered to be appropriate addition to the streetscape, public realm, and host property. The development would preserve the character and appearance of the Conservation Area and the views enjoyed within it.
- 3.2. The Inspector is therefore respectfully requested to dismiss the Council's reasons of refusal on those grounds and grant planning permission.

A. PHOTOGRAPHS OF THE SITE AND CONTEXT





