



Appeal Decision

Site visit made on 9 October 2019

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 4 November 2019

Appeal Ref: APP/X5210/C/18/3219531

31 Edis Street, Primrose Hill, London, NW1 8LE.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Guy Soulsby against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, numbered EN15/0545, was issued on 21 November 2018.
 - The breach of planning control as alleged in the notice is: Installation of 2 x pairs of lights beside the 2 x entrance doors on the ground floor elevation to Edis Street and Chalcot Road.
 - The requirements of the notice are: 1. Completely remove the 2 x pairs of external lights from the 2 x entrance doors on the ground floor elevation to Chalcot Road and Edis Street; and 2. Make good any resulting damage following the completion of the above works.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The appeal site is an end-of-terrace property arranged as 2 flats. It is within the Primrose Hill Conservation Area (CA). The building is a corner property with elevations facing both Edis Street and Chalcot Road. The entrance door to No 31a faces directly onto Chalcot Road, while the No 31 entrance is on the corner and faces obliquely onto the junction. Both doorways have had metallic tubular external lights installed on either side of the doorways, directly on the street elevation in the case of No 31a and within the narrow reveals on the No 31 doorway. At my site visit I saw that the lights by the No 31a doorway had been removed, but those by the No 31 doorway remained in place. An appeal on ground (a) is that planning permission should be granted for the matters comprising a breach of planning control, and in this case I understand it to relate solely to the pair of external lights by the No 31 doorway, which affect the external appearance of the building. I have determined the appeal on that basis.

3. In considering works affecting any buildings or other land in a conservation area, section (72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of that area. This duty is reflected in Section 16 of the National Planning Policy Framework (NPPF), and also in Camden Local Plan Policies D1 and D2, which expect development to respect local context and character and preserve or enhance the historic environment and heritage assets, which include CAs. The main issue therefore is whether the external light fittings preserve or enhance the character or appearance of the CA.
4. The property lies within the Central sub-zone of the CA, whose principal roads include Chalcot Road, a long straight road which remains well-preserved. The CA appraisal identifies views along Chalcot Road as significant. The appellant has gathered evidence of the frequent use of external light fittings of various designs around the CA, both obtrusive and relatively inobtrusive. But while Edis Street has numerous fittings similar to No 31, I saw few examples along Chalcot Road, which is notably uncluttered and retains a high level of historic authenticity. In this context the prominence and overtly modern character of the light fittings in the Chalcot Road streetscene serves to erode its historic character and interest. The presence of largely unobtrusive light fittings on some of the doorways in Chalcot Road does not provide good justification for development that is incongruous and discordant and which fails to preserve or enhance the character or appearance of the CA.
5. In NPPF terms, the harm would be considered as less than substantial, and should be weighed against the public benefits of the proposal. No specific public benefits have been put forward. I have noted the appellant's argument that the lights provide personal security benefits, but Chalcot Road and Edis Street have street lighting and the doorway is likely in any case to have good levels of passive surveillance. Although the proposal would cause less than substantial harm, this harm to a heritage asset must still be given significant weight. In the absence therefore of benefits sufficient to justify the harm to the character or appearance of the CA, and the conflict with Camden Local Plan Policies D1 and D2, I conclude that the appeal should be dismissed. In coming to this view I acknowledge that the appellant was not aware of the unauthorised nature of the fittings when he purchased the property, notwithstanding that the previous owner was notified, but that does not warrant their retention.

Paul Dignan

INSPECTOR