
Appeal Decision

Site visit made on 3 December 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/U5360/C/19/3227912

Land at 44 Chatsworth Road, London E5 0LP

- 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 Giovanna Distefano against an enforcement notice issued by the Council of the London Borough of Hackney.
 - The enforcement notice was issued on 27 March 2019.
 - The breach of planning control as alleged in the notice is without planning permission the installation of a replacement shopfront.
 - The requirements of the notice are: (1) Remove the existing shopfront from the property.
(2) Reinstate the shopfront as existed prior to the breach of planning control.
(3) Make good all damage to the property resulting from compliance with the other requirements of the notice.
(4) Remove all waste, materials, equipment, and debris from the property resulting from compliance with the requirements in paragraphs 5(1) to (3) of this notice.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

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.

The appeal on ground (a) and the deemed planning application

2. The main issue is the effect of the replacement shopfront on the character and appearance of the area.
3. The context of the area is that of a traditional high street lined by Victorian terraces with shopfronts at ground floor level, many of them relatively small units. The appeal property is such a unit, situated in a mid-terrace position.
4. The appellant states that the replaced shopfront was not original however, from the evidence before me I can see that it included features which respect and reflect traditional shopfront design, including decorated stall risers, a recessed central entrance and display windows broken at the top with horizontal transom rails. It respected the scale, proportion and architecture of the building above it and its design and detailing meant that it was in keeping with the character of the building and it was not visually unattractive.
5. In terms of the replacement shopfront, the large glazed front is not divided by mullions, has a skimpy stall riser and the glazed door is flush with the display

windows and provides no visual relief. Notwithstanding the retention of the fascia, pilasters and cornice, the overall effect is a modern shopfront that has a harmful horizontal emphasis in comparison with the vertical proportions of the former shopfront and which does not respect the architecture of the building above. The appeal scheme is an inferior replacement for the previous shopfront. As such it has had a harmful effect on the character and appearance of the appeal building and the area.

6. There is a variety of shopfronts along the road. Nevertheless, many include the main elements of good shopfront design. Further, the Council's Shopfront Design Guide Supplementary Planning Document (SPD) recognises traditional shopping streets being eroded by unsympathetic alterations, and I consider that the slow degradation of the historic qualities of the area by such unsympathetic alterations does not justify granting planning permission in this instance.
7. I acknowledge that the SPD states that in certain circumstances it might be appropriate to make a modern shopfront however, for the reasons given above I consider it is not appropriate in this case and the appeal scheme does not accord with the overall design aims of the SPD.
8. I understand from the Council's officer report that the former shopfront was removed due to its poor condition and its effect on conditions within the property, relating to condensation and mould. Nevertheless, this and that the building is not listed or in a conservation area are not matters which alter my judgement, particularly as it has not been demonstrated that the appeal scheme is the only means by which the desired improvements could be provided.
9. Consequently, the development is contrary to Policy CS24 of the Hackney Local Development Framework Core Strategy, Hackney's strategic planning policies for 2010 – 2025 Adopted November 2010, Policy DM1 of the Hackney Development Management Local Plan Adopted July 2015 and Policies 7.4 and 7.6 of The London Plan (2016). Together these seek development of the highest architectural quality that identifies with and respects the architectural and historic quality and character of the surrounding environment and which reinforces and complements local distinctiveness and vernacular to create a positive sense of place. It also conflicts with the design aims of the National Planning Policy Framework.
10. For the above reasons and with regard to all other matters raised, I conclude that the appeal on ground (a) should not succeed.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR