



Appeal Decision

Site visit made on 13 January 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/K5600/C/19/3233526

7 Stratford Road, London W8 6RF

- 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 A Apolito of Settebello Trading Ltd against an enforcement notice issued by The Council of The Royal Borough of Kensington & Chelsea.
 - The enforcement notice, numbered ENF/18/08380, was issued on 7 June 2019.
 - The breach of planning control as alleged in the notice is *The installation of a shopfront without planning permission*.
 - The requirements of the notice are to *remove the unauthorised shopfront and either:*
 1. *Reinstate the shopfront to its condition prior to the unauthorised development being carried out, as shown on the existing drawing reference SO3 submitted with planning permission under reference PP/17/03582, as can be seen in appendix 1*
 - Or
 2. *Install the shopfront as per the approved drawings reference P2:04 of planning permission reference PP/17/03582, as can be seen in appendix 2.*
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision

1. The appeal is dismissed and the enforcement notice upheld.

Main Issue

2. The main issue in the appeal is the effect of the development on the character and appearance of the area, and whether it preserves or enhances the character or appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area.

Reasons

3. 'San Pietro' is a recently renovated restaurant at 7 Stratford Road, situated in a small village centre in the Conservation Area, with nearby retail and commercial premises forming a shopping parade on both sides of the street on the ground floors of 3 storey stock-bricked attractive Victorian buildings in terraces or small blocks. It stands at the corner of Blithfield Street, a cul-de-sac containing terraced houses, and can be viewed from the more major Marloes Road to the east.
4. Prior to the renovation works, the restaurant was known as 'Chez Patrick' and its principal Stratford Road elevation consisted of a lower stallriser the same height as that seen at the adjoining No 9. Above that was an array of

'Georgian' window panes below a deep fascia. The renovation works that have been undertaken have involved changing the fenestration to both the Stratford Road and Blithfield Street elevations of the property. The changes to the eastern Blithfield Street elevation, which have resulted in windows above stallrisers around hip-height from the ground, appear to be largely consistent with a planning permission granted for alterations under reference PP/17/03582. The works to the southern Stratford Road elevation continue this stallriser height and in so doing they depart from the permitted plans as well as from the previous stallriser height. A number of other changes have been made, but the principal parties to the appeal agree that the decisive issue is whether the character and appearance of the Conservation Area are harmed by the increased stallriser height.

5. A variety of stallriser heights are seen on the shops in Stratford Road but the most common, and what appeared to me to be the standard from which others depart, is around the same height as that seen at the adjoining property at No 9. This is clearly the 'traditional' height of shopfront stallriser in the area, with a number of properties carrying attractive traditional accompanying features such as pilasters, corbels and modest integrated fascias, with resulting vertical emphases of the glazed shopfronts. The works that have been carried out at No 7 have detracted from this traditional appearance of the property, notwithstanding that the former windows lacked the same traditional appearance. The raising of the stallriser height has resulted in the property taking on a horizontal emphasis in marked contrast to the adjoining No 9 and the prevailing appearance of other shopfronts in the area.
6. There are other departures from the prevailing style of shopfront, including some shops with similarly high stallrisers and a number that lack any at all, having only skirting below an expanse of glazing. However, this is not a reason to conclude that the works to No 7 have not been detrimental. Although the stallriser to Stratford Road is of a kind with that to Blithfield Street, I do not consider that this weighs in its favour because the 2 elevations serve different purposes and are perceived differently. The Blithfield Street elevation is consistent with its role as a secondary elevation fronting onto a residential street, whereas Stratford Road is the active frontage.
7. The development plan for the area has been updated since the enforcement notice was issued, but with no material changes to the relevant policies. Policy CL10 of the Local Plan 2019 requires shopfronts to relate well to the buildings above and to the side, and to preserve elements that contribute to their traditional character including stallrisers. Policy CL3 requires development in conservation areas to preserve the local scene and to take opportunities to enhance it. I find conflict with these policies, as well as with policies CL1, CL2 and CL6 requiring context and character to be respected, opportunities to improve quality and character to be taken, and harm arising from small-scale alterations to be avoided.
8. Applying the National Planning Policy Framework, I find that 'less than substantial harm' has arisen to the Conservation Area as a result of the development. I acknowledge that the restaurant is a successful and welcome neighbourhood facility that has replaced a dormant use of the property. However, it has not been shown why the benefits of the restaurant could not be secured without harm to the Conservation Area, and accordingly I find that the harm is not outweighed by the public benefits of the development. I

therefore find that the appeal should be dismissed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

9. 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.

Laura Renaudon

INSPECTOR