

Appeal Decision

Site Visit made on 31 March 2021

by John Dowsett MA, DipURP, DipUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2021

Appeal Ref: APP/X5210/W/20/3257510

Pix Cafe, 63 Neal Street, LONDON, WC2H 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Thornhill against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2020/0305/P, dated 21 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed is described as: Changes to the shop front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Parts of the development have already been carried out and I was able to see these when I visited the site.
3. Although the planning application form describes the proposal as 'Retrospective and proposed changes to the shop front', Section 55 of the Town and Country Planning Act 1990 (the Act) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the Act makes allowance for the submission of a planning application for development which has been carried out before the date of the application. Consequently, I have considered the appeal on the basis that all of the works shown on the submitted drawings are proposed.
4. The new, replacement, London Plan was published and came into effect on 2 March 2021. This now forms part of the development plan for the area. The views of the parties were sought on whether there were any policies in the London Plan 2021 that may affect their respective cases. The Council advised that there were no policies in the London Plan that it considered were relevant to the appeal proposal. The appellant did not offer any comment. I have, therefore, determined the appeal based on the Policies in the Camden Local Plan 2017 (the Local Plan) that are cited on the decision notice.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Seven Dials (Covent Garden) Conservation Area.

Reasons

6. The appeal site is located on Neal Street which is within the Seven Dials (Covent Garden) Conservation Area. The conservation area covers an area that encompasses the streets around Seven Dials and a number of other streets to the north east. Its broader significance is derived from the evidence it provides of the seventeenth century urbanisation of the area following the establishment of Covent Garden Market. Although relatively compact, the conservation area is divided into three sub-areas that have different characters.
7. The appeal site lies within sub-area one of the conservation area. The Seven Dials (Covent Garden) Conservation Area Statement (CAS) sets out that the distinct layout around the Seven Dials is unique in being the only one of the seventeenth and eighteenth century developments in the West End of London which departs from a grid plan, having instead a radiating plan of streets formed around a small central polygonal circus. The CAS also notes that the large triangular blocks that radiate from the Seven Dials column are a distinctive feature of the area. The layout and appearance of the area is the legacy of an original building plan devised by the developer Thomas Neale, who also imposed building agreements on the leases he granted which specified the materials and size of the houses to be built. The area also provides evidence of the legacy of the brewing industry and of warehousing that was developed to serve Covent Garden Market, which lies a short distance to the south east, with many of these buildings remaining and repurposed.
8. The CAS notes that many of the properties in Neal Street retain the original 17th century plan form but had their facades re-constructed in the early nineteenth century. It also sets out that in the nineteenth century shops were introduced at the ground floor level of buildings which were originally constructed as terraced houses. It is noted that many nineteenth century timber shopfronts can still be found along the street and that typically these shopfronts display classical proportions with pilasters supporting entablature and a projecting cornice. This has resulted in street scenes comprised of numerous small shops with a combination of both modern and traditional shopfronts.
9. The CAS states that the appeal building makes a positive contribution to conservation area and it is identified as having a shopfront of merit. The adjoining building at number 61 Neal Street is listed Grade II and there are several other listed buildings nearby.
10. Given the above, I find that the significance of the conservation area, insofar as it relates to these appeals, to be primarily associated with the evidence that it provides of the unique planned layout of the area and the style of buildings resulting from the building agreements associated with it. It provides evidential value of the historic development of this part of the city and what influenced it, in addition to the building types and styles of the time and how these have evolved and been adapted since. It has an aesthetic value derived from the layout of the streets, the building façades, and the interaction of different building typologies in the area, ranging from domestic to commercial and warehousing.
11. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires that, in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.

12. The appeal building is a three storey, plus attic and basement, brick built structure with a shopfront at ground floor level. It forms part of a continuous terrace of buildings forming one side of Neal Street and also forming one side of a triangular perimeter block, containing within it a further group of buildings comprising Neal's Yard. The shopfront consists of a glazed display window, above a low stallriser, and a double leaf door to access the commercial premises on the ground floor all beneath a timber fascia incorporating a retractable fabric awning. A separate door to the right hand side of the façade gives access to the upper floors of the building.
13. The proposal seeks to subdivide the display window through the addition of two horizontal transoms and two vertical, centrally placed, glazing bars to subdivide the upper portion of the window into four panes. This work has already taken place. Whilst the pre-existing shopfront and elevation drawings submitted with the application show as the previous position the subdivision of the upper part of the window into two smaller panes, photographic evidence provided by both the Council and interested parties show that previously the display window was a single large pane of glass.
14. The proposal also involves the removal of a current tiled panel that obscures the lower part of the display window and its replacement with glazing. This panel is attached to the vertical elements of the shop front. At the time of my site visit the premises were closed due to restrictions resulting from the Coronavirus pandemic and it was not possible to access the interior. Consequently, it was not possible to determine whether there was currently glazing to the rear of this panel. The lower part of this panel is grey painted timber pierced by gaps to accommodate mounting points for removable seating supported by a metal frame concealed by the panel. It was not possible to determine whether the earlier stallriser remains in place behind this feature. The submitted drawings show a plain stallriser being installed beneath the glazed lower panel of the display window. It is not clear from the submitted documents what the construction or materials of this stallriser would be.
15. It is common ground that the previous shop front at the appeal building dated from the twentieth century. I observed that, this notwithstanding, some of the elements of the shopfront, principally the vertical members at each end and parts of the window and door frame, are, from the profile of the elements and their slightly deteriorated condition, most likely parts of a yet earlier shop front that was adapted with the addition of new framing to the display window, replacement stallriser, and the provision of the double leaf doors within an existing opening, during the latter half of the twentieth century. Features such as the console brackets and fascia board that are present on other shopfronts in the street have been lost. Nonetheless, from the submitted evidence, prior to the carrying out of the most recent works, the shopfront at the premises would have been similar in design and appearance to other shopfronts in the surrounding area.
16. The appellant has drawn my attention to other examples of multi-pane display windows elsewhere in the street and I was able to see these when I visited the site. I saw that where these occur, the glazing bars are typically much slimmer and of a different profile to the wide, flat, bars in the appeal proposal.
17. I also observed that the subdivision of the openings was more regular than that of the appeal proposal, which has panes of several different sizes. Where

historic shop fronts have been completely lost from older buildings in the street, the modern shopfronts, in general, utilise a large single pane of glass within the display window. None of the examples cited were directly analogous to the design approach of the appeal proposal.

18. In this context, whilst it is recognised that part of the character of the area is a result of a lively mix of traditional and modern shop fronts at street level, the irregular pane sizes and the varied width and profiles of the glazing bars in the appeal proposal would not reflect the design approach taken in either the traditional or modern shopfront designs. As such it would appear as an incongruous feature within the street scene and detract from the character of the area.
19. I also saw that in the surrounding area panelled stallrisers are common where traditional shop fronts have been retained. Where modern shopfronts have been installed, typically on new buildings inserted into the urban fabric or those older buildings that have been repurposed from a previous industrial or warehouse use, the display windows extend to almost pavement level without the incorporation of a traditional stallriser. Although I recognise that the previous panelled stallriser most likely dated from the twentieth century, this design, nonetheless, would have reflected other shopfronts in the surrounding area. The replacement of the panelled stallriser with a flat stallriser would further diminish the appearance of the shopfront and would not be characteristic of the design of other similar shopfronts in the area.
20. As a result of the proposed glazing pattern, in addition to the alterations to the stallriser resulting in the loss of a characteristic feature, the proposed development would be harmful to the character and appearance of the conservation area.
21. The removal of the tiled panel from the lower part of the display window would represent small improvement to the external appearance of the building. However, I note that this was part of several unauthorised alterations to the building that are the subject of an extant enforcement notice.
22. Given the above, I find that the proposal would fail to preserve the significance of the conservation area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
23. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the works are relatively minor in extent and the effect would be limited to the section of Neal Street where the appeal building is situated, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight.
24. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
25. The appellant has not identified any public benefits that would result from the proposal. The removal of the unauthorised tiled panel would improve the

appearance of the building. However, this was installed without the benefit of planning permission and its removal would undo some of the harm caused by the unauthorised works rather than represent a true public benefit of the proposal.

26. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve character or appearance of the Seven Dials (Covent Garden) Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with policies D1 and D2 of the Local Plan which when read together seek, among other things, to ensure new development respects local context and character; preserves or enhances the historic environment and heritage assets; and preserves the character and appearance of conservation areas. It would also conflict with the relevant requirements of Local Plan Policy D3 which expects new shopfronts to be of a high standard of design that has regard to the existing character, architectural and historic merit, and design of the building, and the general characteristics of shopfronts in the area. As a result, the proposal would not be in accordance with the development plan.

Other Matters

27. The neighbouring building at number 61 Neal Street is a Grade II listed building [Ref: 1322099]. Section 66(1) of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. For the purposes of this appeal, it is reasonable to conclude that as the appeal building adjoins the neighbouring listed building, both it and the area of street outside form part of the setting of the listed building.
28. Other than the list description, no substantive evidence has been provided in respect of the significance of this building or the contribution that the setting makes to this significance. This notwithstanding, from what I saw when I visited the site, although the appeal proposal would be new development within the setting of the neighbouring listed building, because the works relate solely to features of the shop front of the appeal building, these it would not diminish the ability to understand or appreciate the significance of number 61 Neal Street and its features of special architectural or historic interest. I find that the proposal would have a neutral effect on the setting of the adjoining listed building. However, this would not overcome the harm that I have found the proposed development would cause to the character and appearance of the conservation area.

Conclusion

29. The proposal would harm the character and appearance of the Seven Dials (Covent Garden) Conservation Area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR