



Appeal Decision

Site Visit made on 7 September 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/X5210/W/21/3268650

307 Gray's Inn Road, London, WC1X 8QS

- 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 Create Reit Ltd against the decision of London Borough of Camden.
 - The application Ref 2020/1648/P, dated 2 April 2020, was refused by notice dated 18 January 2021.
 - The development proposed is replacement shopfront, residential entrance and access steps.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issue

3. The main issue is whether the proposed development preserves or enhances the character and appearance of the Kings Cross Conservation Area (KCCA).

Reasons

4. The appeal property is a three-storey building with an existing shopfront at ground floor level. It is located close to the corner junction between Gray's Inn Road and St Chad's Street and is set-back from the footpath edge where there are railings surrounding a lightwell that serves the basement. It is located on a busy city street where there are a wide range of commercial premises and buildings of various styles.
5. The appeal property is located within the Kings Cross Conservation Area (KCCA) that is characterised as forming a large urban area that is dominated by Kings Cross and St Pancras stations with many commercial properties and historic buildings spreading out from the stations.
6. The proposed development is to replace the existing shopfront, infill the existing lightwell and remove the existing railings. The KCCA Statement identifies that the ground floor retail units to both the appeal property and its adjoining neighbour at no. 309 are modern and not in keeping with the

character of the Conservation Area, despite that of the appeal property being of timber in a traditional design.

7. Although the broad positioning of the openings in the proposed shopfront remains consistent when compared to the existing shopfront, the lack of any notable detail in the main window creates a large expanse of undivided glazing resulting in a bland and uninspiring appearance.
8. The proposed fascia extends further upwards than the existing fascia. This results in the shopfront creeping into the upper floors of the building. It dilutes the significance of the impressive brick arch window surrounds of the first floor that are recognised in the KCCA Statement and are positive features of the host building.
9. I acknowledge that there is a wide variety of shopfronts in the surrounding area, including some with fascias of a similar siting to that proposed. Some of those shopfronts that I observed served to confirm the harm that can be caused from inappropriate installations. Others, for example to the adjacent building at no. 305, adopt a more contemporary style, albeit this is to a building of different style. Additionally, although the appellant has provided me with details of two examples that I have considered below, I do not have full details or the background of the other installations in the area.
10. The Council consider that the infilling of the existing lightwell and removal of the railings would cause harm. In terms of the lightwell, the presence of similar installations in the street is somewhat sporadic. Due to their limited visibility, they are not key visual features in the area and their contribution to the overall character and appearance of the area is limited. Thus, the covering of the lightwell would not cause harm.
11. The proposed development would also involve the removal of railings to the front of the building. These appear to be of the prefabricated steel variety rather than an original or historic feature. Although there are railings installed at other premises, the wide variety of styles, lengths and sitings, means that whilst they are a relatively common feature, they are not a hugely positive characteristic of this part of the KCCA.
12. I am also referred to the section of the Camden Planning Guidance (CPG) on Design (2021), where in relation to the creation of open lightwells with railings in front of a shopfront is not generally considered acceptable as it prevents window shopping and disrupts the buildings relationship to the rhythm of the street. I acknowledge that in this case that it is not proposed to create a lightwell with railings as such, however the removal would be consistent with the aim of this part of the guidance.
13. Therefore, although I do not find harm would be caused due to the removal of the lightwell and railings, I find that the proposed shopfront, due to its overall design, would cause harm, and thereby fail to preserve or enhance the character and appearance of the KCCA. It would be contrary to Policies D1, D2 and D3 of the Camden Local Plan (2017). Collectively, these policies require that development is of high-quality design, that preserves or enhances the character or appearance of the area, and for shopfronts, that these are of a high standard of design.

Other Matters

14. The appellant has referred me to decisions¹ by the Council for shopfronts at 291 and 283 Gray's Inn Road. I accept that there are some similarities between these proposals and the appeal proposal, however these are in different locations. They also pre-date the current Framework, with one pre-dating the current local plan. Therefore, although I have had regard to them, I am not bound by these previous decisions and have determined the appeal on its own individual planning merits.

Planning Balance and Conclusion

15. Having regard to paragraph 202 of the Framework, in light of the fact that the existing shopfront that is to be replaced is not an original or historic feature and combined with the harm being confined to a small area of the KCCA, I find that there would be less than substantial harm to the significance of the KCCA. I do not, however, find that this harm is outweighed by bringing the site back into use or any other public benefits of the proposed development.
16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ 2015/2581/P and 2018/5175/P