
Appeal Decision

Site visit made on 6 January 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2023

Appeal Ref: APP/X5210/W/22/3304919

Nisa Local, 335-337 Grays Inn Road, London WC1X 8PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Euronet Worldwide against the Council of the London Borough of Camden.
 - The application Ref 2022/0491/P, is dated 9 February 2022.
 - The development proposed is the installation of a Euronet NCR Self Serv 26 ATM through the far left glazed window as a through glass installation.
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Decision

1. The appeal is allowed and permission is granted for the installation of a Euronet NCR Self Serv 26 ATM through the far left glazed window as a through glass installation at Nisa Local, 335-337 Grays Inn Road, London WC1X 8PX, in accordance with the terms of the application, Ref 2022/0491/P, dated 9 February 2022, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Proposed ATM Installation as a Through Glass Installation EN03 012022E

Proposed ATM Installation as a Through Glass Installation EN03 012022P

EN Signage ATM Elevation, ATM Section Rev A

Main Issues

2. The main issues are:

- the effect of the proposal on the character and appearance of the area, including the King's Cross Conservation Area (CA); and
- whether the proposal would contribute to opportunities for crime, fear of crime or antisocial behaviour.

Reasons

Character and appearance

3. The proposal is for the installation of an automatic teller machine (ATM) as a through glass installation within the left-hand window of Nisa Local, a small

convenience store located on the southern side of Gray's Inn Road near King's Cross station. The store lies towards one end of a continuous parade of about 15 commercial premises which occupy the ground floor of a four-storey terrace of buildings which run between Birkenhead Street and St Chad's Street.

4. The terrace, which dates from the early 19th century, is not listed but makes a positive contribution to the street scene within the King's Cross CA. However, the commercial parade at street level contains an eclectic, undistinguished range of modern shop and restaurant/café fronts with a wide range of fascia designs, colours, lettering and illumination. The parade shows no visual coherence and no evidence of any emerging design theme.
5. In this context the ATM, a minor intervention in the frontage, would not appear discordant or out of place, its modest size, illumination and rectangular lighting strip being entirely consistent with the cluttered appearance of the rest of the parade. Indeed, an almost identical ATM is already installed in the adjacent shop unit, a Costcut Express, without causing visual harm. Two adjacent ATMs in this varied group of commercial premises would not have any cumulative visual effect and the planning system has no remit to limit competition.
6. It is appreciated that the associated advertisement has recently been dismissed on appeal¹, the Inspector stating that it would add to the overall cluttered appearance of the parade. However, in my view this cluttered appearance is part of the existing character and appearance of the CA and the ATM would simply preserve this character and appearance.
7. For these reasons the proposal would not significantly affect the character and appearance of the area, including the King's Cross CA, and would comply with Policies D1 and D2 of the Camden Local Plan 2017 (CLP). These require high quality design that respects local context and character and the preservation of designated heritage assets. The proposal would also satisfy the legislative duty to preserve or enhance the character and appearance of a CA.

Crime and anti-social behaviour

8. Whilst the Metropolitan Police object to the proposal, the ATM in the adjacent shop unit sets a clear precedent. No evidence is provided that any crime or anti-social behaviour incidents have arisen from the existing ATM and the rear servicing arrangements are the responsibility of the appellant company. Gray's Inn Road is busy with pedestrians and vehicles offering a good level of natural surveillance and the bus stop no more likely to cause a problem than with the existing ATM. The number of nearby ATMs is not a relevant factor.
9. There is accordingly no evidence that the proposal would contribute to crime, fear of crime or antisocial behaviour in conflict with CLP Policy C5 which seeks to tackle these problems.

Conclusion

10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

¹ APP/X5210/H/3301283