



Appeal Decision

Site visit made on 23 November 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12.12.2023

Appeal Ref: APP/L5240/W/23/3322039 60-68 North End, Croydon CR0 1LP

- 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 JD Sports Fashion PLC against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 22/04782/FUL dated 16 November 2022, was refused by notice dated 13 February 2023.
 - The development proposed is Alterations to Shopfront including alterations to the entrance and fenestrations.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to shopfront including alterations to the entrance and fenestrations at 60-68 North End, Croydon CR0 1LP in accordance with the terms of the application Ref: 22/04782/FUL dated 16 November 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JD_TBC045_02-1 Rev 1.0; JD_TBC045_05E Rev 2.0; JD_TBC045_05 Rev 2.0; JD_000_00 Rev 1.0; Shutter Document: Ra8 Punched Aluminium Roller Shutter (Security Direct).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with the details set out on the approved plans.

Preliminary Matters

2. The description of development was amended by the Council to read *Alterations to Shopfront including alterations to the entrance and fenestrations* and the Appellant has confirmed that he raises no objection to this revised description. I consider that the Council's description better describes the proposal the subject of this appeal and have therefore used it in the header and the Decision above.
3. The application sought both planning permission for the alterations to the shopfront as well as consent for the proposed advertisement signage. The Council's decision notice and the appeal before me relates solely to the

proposed alterations to the shopfront. I do not therefore consider the proposed advertisements and for the avoidance of doubt, my decision in respect of the shopfront does not convey any consent for the associated advertisement signage.

Main Issues

4. The main issues in this appeal are:

- a) The effect of the proposed shopfront on the character and appearance of the existing property and on the designated heritage asset of the Conservation Area, and
- b) Whether the proposal would provide an appropriate Fire Safety Strategy.

Reasons

Issue a) Character and Appearance

5. The appeal property is within Croydon town centre on the east side of North End, which is a pedestrianised street, lined with shops and services on both sides. The large shop unit at the appeal site is currently vacant and the building which accommodates the shop units is divided into three elements. The northern end is a modern three storey infill in brick with stone dressings and a central curved glass bay. The central part appears to be the oldest part and is an attractive brick building with symmetrical stone dressings in the form of attached flat fronted pilasters and a pediment, centrally located. The southern part is also brick built and appears later in construction comprising part 4 storeys and reducing to three with recessed windows. The surrounding buildings along North End range widely in age and size and appearance, including the more modern, largely glazed frontage to the shopping centre on the opposite side of North End and slightly to the north.
6. The site lies within the Central Croydon Conservation Area, extending to cover the commercial and civic centre of Croydon, and the buildings associated with these functions contribute to its significance. The Council's Central Croydon Conservation Area Appraisal and Management Plan indicates on Map 10 that the appeal site buildings date from the inter-war period, although as set out above they appear to have been built over a longer time period. The Appraisal makes specific reference to Nos 64-66 which it describes as forming *an elegant classical facade with stone garlanded pilasters, architrave and pediment, and Georgian-style sash windows*. The Appellant advises that part of the overall site is locally listed (an undesignated heritage asset) and this is shown on Map 15 in the Council's Appraisal and Management Plan, and Nos 58-66 are indicated to be locally listed on Page 44 of the document. However, this has not been confirmed in the information from the Council in respect of the appeal.
7. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of such areas. The National Planning Policy Framework (Framework) sets out further advice about considering potential impacts of development proposals on both designated and undesignated heritage assets, including at paragraphs 199 – 203.

8. Along much of North End, there is a clear physical and visual divide between the active retail frontages and their shop fronts and the form of the upper parts of the buildings. There are a number of shops which extend across more than one building. This is also the current situation at the appeal property with the shop extending across three buildings, and the existing shopfront divided into 9 display windows of differing widths and divided by vertical panels and a wide horizontal panel across the two southern buildings.
9. The proposed shopfront would introduce a glazed window display frontage to the opening in the building to the north; four access and egress points to the central section and two glazed window display frontages to the southern section. I agree with the Council that the divisions of the shopfront would not precisely mirror the vertical divides of the upper floors of the middle and southern building, but the shopfront would be contained by the strong horizontal band which clearly separates the upper floors from the retail uses on the ground floor. This clear division between shopfronts and the upper stories of buildings along North End is a characteristic feature of the street scene and this part of the Conservation Area. The proposal would continue this pattern and I am satisfied that because of the clear division between the shopfront and the upper floors, the proposal would not detract from the architectural form of the existing buildings including the undesignated heritage asset, and the contribution that the existing buildings make to the street scene and to the significance of the Conservation Area.
10. I am therefore satisfied that the proposed shopfront would not detract from or harm the existing buildings including the undesignated heritage asset, and in particular the architectural detailing of the upper floors of the existing buildings. The proposal would in turn respect the street scene and the character and appearance of the Conservation Area. It would therefore preserve the character and appearance of the Central Croydon Conservation Area. There would be no conflict with Policies D3 and D4 of the London Plan, Croydon Local Plan Policies SP4 and DM10, Central Croydon Conservation Area Appraisal and Management Plan SPD, all of which amongst other matters seek a high quality design which protect the character and appearance of local areas and the significance of heritage assets.
11. It would not fully comply with all the guidance in the Council's Shopfronts and Signs SPG (1996), but in the particular circumstances of this case and for the reasons set out above, I consider that there would be justification for an exception to be made to these parts of the SPG.
12. I understand the Council's concerns about the use of solid shutters, but in this case the four external and one internal proposed shutters would be punched and glazed. This would alleviate the concerns relating to the 'deadening' effect of solid shutters. As a result of the specific proposal in this case, the Council has raised no concerns in this regard. I agree with the Council that this part of the proposal would be acceptable in terms of the effect on the character and appearance of the local area including the designated heritage asset of the Conservation Area and the undesignated heritage asset of the central building.

Issue b) Fire Strategy

13. Policy D12 of the London Plan seeks to ensure that all development proposals achieve the highest standard of fire safety and sets out criteria to be taken into

account. The development does not fall into the category of a major development proposal for which a Fire Statement is required under Section 12B but Section 12A relates to all development proposals.

14. The proposal relates to a new shopfront and the Appellant has set out how the proposed shopfront and associated alterations would increase the number of egress points from two as existing, to four.
15. Whilst this does not provide all the details set out under Policy D12 A of the London Plan, the policy is directed to all forms of development. In the context of the proposal which relates only to the new shopfront and the introduction of more egresses from the buildings, as well as taking account of the other legislation that will address such matters, I am satisfied that there is no reason to withhold planning permission in this regard.

Conditions

16. The Council has not proposed any conditions it would wish to see imposed. The approved plans should be listed for the avoidance of doubt and in the interests of good planning. The materials as set out on the drawings should be adhered to in order to protect the character and appearance of the existing buildings, including the locally listed building as well as the Conservation Area.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR