
Appeal Decision

Site visit made on 14 February 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th February 2017

Appeal Ref: APP/X5990/W/16/3164569

Wallace Court, 300-308 Old Marylebone Road, London NW1 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by James Taylor Construction against the decision of City of Westminster Council.
 - The application Ref: 16/10299/ADFULL/RN, dated 27 October 2016, sought approval of details pursuant to condition No 3 of planning permission Ref: 15/07896/FULL granted on 2 February 2016.
 - The application was refused by notice dated 2 November 2016.
 - The development proposed is use of vacant basement public car park (sui generis) to self-storage centre (Use Class B8).
 - The details for which approval is sought are 'new roller shutter and security gates'.
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Decision

1. The appeal is allowed and the roller shutter and security gates details submitted pursuant to condition No 3 attached to planning permission Ref: 15/07896/FULL granted on 2 February 2016 in accordance with the application dated 27 October 2016 and the plans submitted with it are approved.

Preliminary Matters

2. The application at appeal sought to overcome a previous refusal for the discharge of condition No 3 which stated that the proposed design and colour of the security shutters would harm the appearance of the building and this part of the City¹. Since then it appears that the Council has accepted the colour of the shutters but is opposed to the detailed design as now proposed.
3. At my site visit I saw that the design and appearance of the shutters which have been installed in the building differ to that proposed in the refused drawings. However, these variations are not before me in this appeal, and I have therefore confined my considerations to the plans refused by the Council (specifically drawing no: 3661-PL-200A).
4. An application for an award of costs has been made by James Taylor Construction against City of Westminster Council. This application is the subject of a separate Decision.

¹ Council ref: 16/07244/ADFULL

Main Issue

5. The main issue in this case is the effect of the proposed shutters on the character and appearance of the area.

Reasons

6. Policies S28 of the *Westminster City Plan* (2016) ('the WCP') and DES 1 of the *City of Westminster Unitary Development Plan* (2007) ('the UDP') include a requirement for new development to incorporate exemplary standards of sustainable and inclusive urban design and architectural quality. Policy DES 5 of the UDP sets out detailed design considerations for alterations to buildings including prominence, visual impact and scale, and requires proposals to reflect the style and details of the existing building. It also states that solid or perforated external shutters are not normally permitted except in specially justified circumstances. These objectives are broadly consistent with the *National Planning Policy Framework* ('the Framework') which attaches great importance to the design of the built environment, with high quality design identified as one of its core planning principles.
7. The *Shopfronts, Blinds and Signs - A Guide to their Design* (1990) supplementary planning guidance advises that roller shutters will not normally be granted consent as they contribute nothing to the street scene and can detract from the architectural integrity of a building. *Design Guidelines for Shopfront Security* (1995) advises that solid roller shutters produce a 'dead frontage' within a street, creating a threatening, fortress-like effect and will not normally be granted permission.
8. Wallace Court is prominently located on the west side of the busy Old Marylebone Road and comprises an eight-storey building with retail units at street level and residential accommodation to the upper floors. Openings at either end of the frontage provide vehicular and pedestrian access/egress to a basement area used for secure storage.
9. This part of Old Marylebone Road is characterised by substantial buildings on both sides, including an imposing block of red brick Victorian apartments to the immediate south of the appeal site. In contrast, the 1950s appeal building is far more understated in design and appearance, with alternate recessed vertical bays with balconies, large windows and buff facing bricks to the upper floors. The ground floor frontage includes the main entrance to the flats, a variety of shopfronts and the two basement entrances. To the north lies Griffith House, a substantial five-storey building with two large, grey roller shutter doors framed by bright yellow surrounds to the street frontage.
10. The Roman Catholic Church of Our Lady of the Rosary and its associated presbytery are Grade II listed buildings and form part of the Portman Conservation Area on the east side of the road opposite the appeal site. Other buildings on this side of the road and outside the Conservation Area generally comprise sizeable multi-storey office and apartment blocks of more modern design and recent date. They include Winchester House and Nos 233-237 which feature large galvanised roller shutter doors to the front elevations.
11. The proposed roller shutters would be set back slightly from the main façade of Wallace Court and within the existing basement openings. They would be constructed of aluminium finished in a bright green colour. The southernmost

shutter would incorporate four windows and a personnel door; the other would feature eight windows.

12. Despite being architecturally restrained the appeal building is a fairly significant component in the street scene due to its massing, scale and prominence. The proposed roller shutter doors would be visually modest features within the expansive principal façade of the building, which includes retail units with brightly coloured fascia signs and canopies to the frontage. The rather utilitarian appearance of the shutters would be relieved by the glazed panels, and whilst they would be prominent the shutters would not dominate the front elevation of the building. Rather than compromise the overall composition of the building as the Council suggests I find that the shutters would relate satisfactorily to its scale and proportions, and would sit comfortably alongside the adjacent shopfronts without upsetting the architectural rhythm of the façade.
13. In terms of the street scene, I have described the substantial scale and diverse architecture of buildings within the general vicinity of the appeal site as well as the presence of other roller shutters of greater size than those proposed. Within this context the proposed shutters would be a relatively unobtrusive addition, and as such would not compromise the character and appearance of the area. Furthermore, I do not find that the new shutters would harm the setting of the nearby Conservation Area or listed buildings which, as designated heritage assets, should be safeguarded under the provisions of the Framework.
14. In the light of these conclusions, I find that the proposal would not be contrary to Policy S28 of the WCP and Policies DES 1 and DES 5 of the UDP, and would not conflict with relevant guidance in the design guidance documents I have referred to.

Other Matter

15. In coming to these findings I have taken into account other appeal decisions cited by the Council. However, it appears to me that the circumstances of these cases differ to the one before me in as much as the shutters are described as having "*a small degree of transparency*" in two of the cases and in the other the shutter was considered to be of a solid design. Comparison with the appeal proposal is therefore of limited relevance to my decision.

Conclusion

16. For the above reasons, I conclude that the proposed roller shutters would not materially harm the character and appearance of the area, and accordingly the appeal should succeed.

Michael Moffoot

Inspector