
Appeal Decision

Site visit made on 22 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 June 2017

**Appeal Ref: APP/X5990/W/17/3168511
68-72 Wigmore Street, London W1U 2SD**

- 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 Sourced Market against the decision of City of Westminster Council.
 - The application Ref 16/03561/FULL, dated 19 April 2016, was refused by notice dated 9 August 2016.
 - The development proposed is an alteration to the shopfront; the replacement of existing double doors with 3-fold serving hatch window to Wigmore Street elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already been undertaken and I had the benefit of seeing it at my site visit.

Main Issues

3. The main issues in this appeal are the effects of the proposal in the character and appearance of the conservation area, and its effects on pedestrian flow/safety.

Reasons

Conservation Area

4. The appeal relates to the ground floor commercial unit which is contained within a grand early 20th Century, 5 storey building. The property is located within the Harley Street Conservation Area and is identified as an unlisted building of merit. I am informed that the site was subjected to some redevelopment as a result of planning permission granted in 2010, but which retained the facades of the building; new shopfronts were consented to the Wigmore Street elevation.
5. I consider that the building makes a positive contribution to the conservation area as a result of its architectural style and detailing, set on this prominent corner location. From the information that I have before me, it would appear that some care was taken in the design of the new shopfronts wherein each section set between the stone pilasters was divided into 3 vertical sections, some containing double doors. The use of wooden framing gives a traditional

feel and the consistency of the design, proportions and materials enhance the appearance of the building.

6. The appeal scheme has replaced the double doors with a serving hatch. The lower section of this area contains small, dark ceramic tiles set below a serving counter. Above the counter is a folding window of 3 sections, which is opened during business hours to serve take-away coffee. Although acknowledged by the Council as not requiring planning permission, the remainder of this part of the frontage has a counter adjacent to the retained glazing, which is of the same tiles as the lower section of the serving hatch, although I note that the heights do not match exactly.
7. Where the shopfronts have been retained, I can see that their design and proportions enhance the building as a whole and serve to accentuate the vertical emphasis as they align with the window openings above. The appeal scheme disrupts this effect by truncating the vertical element that was previously formed by the glazed double doors and introduces a solid section within the lower part. In my judgement this does not achieve the appearance of a traditional stallriser as it appears too tall and does not span the width of this part of the frontage; furthermore, the counter placed behind the glazing does not provide a consistent visual continuation due to the different heights and the intervening glazing. Moreover, when it is closed the disruptive effects are accentuated due to the further breaking up of the frontage due to the 3 sections of the folding window. Rather than preserving or enhancing the building and the area, I consider that the development unacceptably disrupts the design of the frontage here; it breaks up the rhythm and pattern of the frontage and fails to provide the important vertical emphasis that is achieved otherwise. As a result, the proposal fails to either preserve or enhance the character and appearance of the conservation area. Therefore, the development is contrary to Policies DES 5 and DES 9 of the Unitary Development Plan (UDP)

Pedestrian flow/safety

8. The Council considers that the use of the serving hatch would be likely to give rise to customers who would queue on the pavement and cause an obstruction to others. The Council has accepted the placing of seating and tables on this section of the pavement, immediately adjacent to the building, but this still appears to provide for a suitable and safe width of footway. From what I observed and from the evidence before me it does not seem likely that customers visit the serving hatch in any numbers. Those customers that do visit are able to stand close to the building, between the approved seating areas, without disrupting passing pedestrians.
9. In the absence of any evidence which may indicate a different pattern of use, I consider it highly unlikely that the use of the serving hatch by customers would have any harmfully disruptive effects on pedestrian flow or safety. Accordingly, I find no conflict with Policy S41 of Westminster's City Plan or Policy TRANS 3 of the UDP.

Other Matters

10. The appellant refers to a 'café culture' and to the importance of the development in providing the public with a valuable service. The Council has granted permission (albeit temporary) for tables and chairs to be placed on the

adjacent frontage thus enhancing this characteristic of the area; I do not consider that this in any way relies on the presence of a serving hatch and I am informed that no other such feature is present in the area. The photographs submitted by the appellant and the Council indicate that few people use the serving hatch (as referred to above). Although some criticism is made of the timing of the photographs, I was able to observe its use in fine weather on a Summer's day and I did not see more than the odd single customer. Therefore, in relation to this point, I do not attach significant weight to the argument that it provides a valuable service.

11. The appellant also refers to the use of the premises and the way that goods are sourced as amounting to a farmers' market. In my judgement, the character of the overall use is retail/café and not one of a farmers' market.

Conclusions

12. For the reasons set out above, I have concluded that the proposal fails to preserve or enhance the character and appearance of the conservation area. In relation to the advice in the National Planning Policy Framework, I consider that this level of harm is 'less than substantial'. Having considered all other matters in relation to this appeal, I consider that there are no public benefits which are sufficient to outweigh that harm. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR