
Appeal Decision

Site visit made on 24 July 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 3rd August 2017

Appeal Ref: APP/X5990/W/17/3174230

Flat 1, 2 Carlisle Street, London W1D 3BH

- 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 Mr Charles McAlpine against the decision of City of Westminster Council.
 - The application Ref 17/00448/FULL, dated 19 January 2017, was refused by notice dated 21 March 2017.
 - The development is described on the application form as 'we would like to request permission to install a small wrought iron gate in front of 2 Carlisle flat 1. The purpose of the gate is to deter customers from local pubs and restaurants from sitting in front of the property. Over the past year, many members of the public have used the steps in front of the flat to consume food and beverages as well as smoke and drink. This results rubbish being left almost daily as well as having to traverse through revellers while trying to access the front door. In some more severe instances vomit has been left in front of the flat. Similarly, there have been a number of instances of vagrants using the doorway to sleep. The proposed gate would be in the same style and materials used in the existing railing. The gate would be in three parts: two stationary panels anchored to the first step with a middle gate which would open towards the building'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of development to 'Installation of gate on entrance steps'. I consider this to be a more accurate and succinct description of development to that above which was taken from the application form and I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Soho Conservation Area.

Reasons

4. The appeal property is a neo-Georgian red brick five storey building. The front boundary is denoted by boundary railings in a traditional pattern with plain iron spears set directly into a stone coping with urns at regular intervals and at the corners. Three wide steps lead up to the entrance, bound either side by matching railings albeit set at a higher level than those along the front

boundary. The property lies within the Soho Conservation Area (SCA) and as such I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty upon me to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5. The Soho and Chinatown Conservation Area Audit (the CA Audit) (2005) describes Soho as being London's most central village characterised by narrow streets and alleyways, restaurants, cafes and food shops, small businesses and street markets intermingled with many surviving 18th Century houses. Its significance is derived not only from its built form but by its many and varied uses and residents and the diversity of communities which use and occupy its spaces.
6. The Council's Supplementary Planning Guidance 'Railings in Westminster' states that railings and other ornamental ironwork are one of the most important elements of Westminster's historic architecture and townscape. In relation to gates, it advises that they should be formed by sections of the railings, supported by a frame which is hinged appropriately onto a stay or a wall, maintaining the dimensions, spacing and heads used on the railing panels. The CA Audit similarly acknowledges that railings and boundary walls can contribute significantly to the character of conservation areas and add interest and variety whilst marking boundaries between public and private spaces. The railings which run along the front boundary of the appeal property are a fine example of traditional London railings and contribute positively to the character and appearance of the SCA.
7. Notwithstanding the submitted plans, the appellant makes it clear that they would seek to emulate the existing structure in design, material and quality. I am satisfied that this detail could be controlled by a suitably worded condition were the appeal to succeed. Nonetheless, the submitted plans appear to show the installation of the gate at the top of the steps leaving a gap of some 500mm beneath the bottom rail of the gate and that of the adjacent railings. This would result in an odd and visually jarring appearance in the context of the existing railings, an important element of the townscape, failing to respect or respond to their present arrangement. The proposal would therefore be unduly harmful in its appearance and would diminish the positive contribution to the character and appearance of the SCA derived from the frontage of this building.
8. The appellant has drawn to my attention a number of other gates in the vicinity of the appeal site. However, from the information before me I cannot be sure that the gates to building entrances in Meard Street benefit from permission. Having regard to the other examples, I do not consider that they are directly comparable to the appeal proposal given the bottom rail is either at street level or they are of a different scale or context to that before me. In any case, I must assess the appeal on its own merits and I share the Council's view that gates across the entrances to buildings of this era are generally an uncharacteristic feature of the SCA.
9. I therefore find that the proposed entrance gate would have a harmful effect on the character and appearance of the host property and the surrounding area. It follows that it would fail to preserve or enhance the character and appearance of the SCA. Given the size and scale of the proposal within the Conservation

Area as a whole, the harm to the significance of the heritage asset would be less than substantial. Thus, it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), whether there would be public benefits to the scheme sufficient to outweigh that harm.

10. I acknowledge that due to the proximity of the flat to nearby public houses and hot food takeaways, the property has been subject to antisocial behaviour, in terms of noise and disturbance, loitering and littering. I note that on occasions the entrance has been used as a sleeping area. However, the surrounding area, by its mixed use nature and activities, is likely to experience noise and disturbance until late at a night. Whilst the gate may discourage patrons of nearby businesses from using the steps, it would not succeed in preventing drinking, eating or sleeping in the street adjacent to the property or the area in general. Thus, I do not agree that it would be beneficial for the maintenance and preservation of the area as a whole. Furthermore, I am not persuaded that the gate would prevent littering and subsequent damage within the boundary of the property given that the submitted photographs show that this has occurred despite the presence of the existing boundary railings to the front of the light well.
11. The appellant asserts that the proposal would increase the sense of a 'healthy and safe environment' for the occupants of the flat, reduce opportunities for crime and anti-social behaviour within the property boundary and resolve conflict with the public house opposite. Nevertheless, even if the gate succeeded in alleviating the above matters on private property, this would be of benefit to the occupants of the flat and would not amount to a public benefit as such.
12. I therefore consider that the public benefits are insufficient to outweigh the harm that I have identified to the designated heritage asset. Accordingly, I find conflict with the Framework and Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES1, DES5, DES7 and DES9 of the Westminster Unitary Development Plan (2007). These seek, amongst other things, high standards of design which preserves or enhances the character and appearance of Conservation Areas as well as the preservation of boundary features of interest.

Other Matters

13. The appeal property is located adjacent to 37 Soho Square, a Grade II listed building, its heritage significance deriving primarily from its age, form and historic fabric. I do not consider that the listed building derives any heritage significance from the appeal site. I am satisfied that there would be no harm to the setting or heritage significance of surrounding listed buildings as a consequence of the development proposed and their setting would therefore be preserved. Nonetheless, this does not overcome my findings above.

Conclusion

14. For the reasons given above and taking into account all other matters raised I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR