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## Appeal Decision

Site visit made on 29 October 2019

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> December 2019**

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**Appeal Ref: APP/X5990/W/18/3216970**  
**13 Hereford Road, London W2 4AB**

- 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 Connect Way Ltd against the decision of City of Westminster Council.
  - The application Ref 18/05656/FULL, dated 5 July 2018, was refused by notice dated 26 October 2018.
  - The development proposed is permission to install a new traditional timber shop front and removal of external heaters.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant name given on the Application Form is the same as the agent name. This has been confirmed to be an error and the correct appellant name is Connect Way Ltd who are the leaseholder of the land. I am satisfied no party is prejudiced by the error and have determined the appeal accordingly.
3. The Decision Notice refers to the appeal property as a grade II listed building. However, the Council has clarified that the appeal property is not in fact a listed building. I have therefore determined the appeal on this basis.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the existing property, the parade of shops and the Bayswater Conservation Area.

### Reasons

5. The appeal relates to the ground floor of a terraced property within a small parade of shop units situated within the Bayswater Conservation Area (Conservation Area). The Conservation Area is split into two parts, to the east and west of Queensway. The property lies to the west.
6. The significance of the Conservation Area principally derives from its 19th century origins and the many fine examples of Georgian architecture found within it. This includes groups of commercial properties within the ground floor of terraces. These make an important contribution to the activity, distinctiveness and character of the townscape, particularly at street level due to the quality of original shopfronts. Although the design of shopfronts within

the parade of shops in Hereford Road varies, the majority retain some traditional detailing, including deep stall risers, large single pane windows and fanlights above doors.

7. I have been referred to an enforcement appeal decision<sup>1</sup> in respect of the shopfront currently in situ at the appeal property, for which the Inspector upheld the Council's enforcement notice. The Notice requires the current shopfront to be replaced by one matching that which was previously removed. The outcome of that appeal and the requirements of the enforcement notice are therefore material considerations of significant weight in the assessment of this appeal decision.
8. The plans and photographs provided of the previous shopfront showed it to comprise a recessed entrance door sitting below a fan light and between single pane asymmetric display windows. The shopfront also contained painted stall risers and decorative detailing. I have no reason to doubt that it would have made a positive contribution towards the significance of the Conservation Area.
9. The proposed timber shopfront would be an alternative, distinctively different scheme to that required by the enforcement notice, in that sense it would not be a restoration of the original shopfront. The drawings accompanying the planning application appear to suggest that the two large sashes within the display window would open vertically. However, the vertical division between the sashes appears uncharacteristically narrow, as there would be insufficient space for the opening mechanisms associated with traditional joinery. The subdivision of the display window would therefore be unlikely to be slim like others in the parade. Furthermore, even if the proposed sashes were openable, unlike those found on the floors above the shop, they would appear almost square.
10. Between the display window and the fascia sign, the arrangement of two rows of transom lights atop one another would have a similar appearance to the arrangement currently in place. The extent of framing would be overly prominent and contrast with the refined traditional joinery found elsewhere within the parade of shops and the residential accommodation situated above. Beneath the display window, the stall riser would appear squat in comparison with others in the parade. Furthermore, the door would be primarily glazed and flanked by fluted timber pilasters that include squat plinths and no capitals.
11. The design and proportions of the proposed shopfront would therefore be disjointed and lacking in traditional joinery details. It would fail to respect the architectural character of the existing property or its contribution within the parade of shops and the traditional shopfront form of the Conservation Area, which would harm its significance.
12. As the harm would be localised around the appeal property, the harm to the Conservation Area as a whole would be less than substantial. It would nonetheless represent an erosion of the Conservation Area's distinctive character and appearance. In circumstances where there is less than substantial harm to the significance of a designated heritage asset, in this case the Conservation Area, paragraph 196 of the Framework identifies that harm should be weighed against the public benefits of the proposal.

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<sup>1</sup> Appeal Ref: APP/X5990/C/18/3207125

13. Whilst the proposal would result in the replacement of the current shopfront and removal of LED heating lamps, this is already the subject of the enforcement notice. Furthermore, the proposed shopfront would also harm the character and appearance of the Conservation Area. There could be small public benefits in terms of the light available within the premises and its sustainability credentials as a result of the proposed shopfront. However, the replacement shopfront required by the Council's enforcement notice might be similarly effective in all these respects without harming the character or appearance of the Conservation Area.
14. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of the designated heritage asset and would result in less than substantial harm. Given that the public benefits appear likely to be limited based on the information before me relative to the harm and associated conflict with statute, they would not outweigh the less than substantial harm arising from the proposed development.
15. For the reasons outlined above, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the existing property and the parade of shops, and would not preserve or enhance the character or appearance of the Conservation Area. Hence, the proposal would not accord with Saved Policies DES 1, DES 5 and DES 9 and paragraphs 10.108 to 10.128 of the City of Westminster Unitary Development Plan (adopted January 2007) (UDP); Policies S25 and S28 of the Westminster City Plan (Revised November 2016); and the City of Westminster guidance Shopfronts, Blinds and Signs – A Guide to their Design (1993). Together these policies and guidance indicate that development should be of the highest standards of architectural quality; maintaining the character, scale and hierarchy of existing buildings, this includes style and details of proposals such as new shopfronts which will be granted where they relate to the design of the upper parts of the building and reinstate traditional features; and conservation areas will be conserved.
16. I have not found in relation to Policy DES 10 of the UDP or its supporting paragraphs<sup>2</sup> and the Council's supplementary planning guidance 'Repairs and Alterations to Listed Buildings' (1996), as the appeal property is not listed and I have not been referred to the setting of any other listed buildings.

## **Conclusion**

17. For the reasons given above, I conclude that the appeal should be dismissed.

*Paul Thompson*

INSPECTOR

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<sup>2</sup> Paragraphs 10.129 to 10.146 of the UDP.