



Appeal Decisions

Site visit made on 14 October 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2020

2 Appeals at 48 Old Compton Street, London W1D 4UA

- The appeals are made by Ms Alix Greenaway, Euronet Worldwide against the decisions of City of Westminster Council.
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Appeal A - Ref: APP/X5990/W/19/3234158

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The application Ref: 19/03198/FULL, dated 26 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is installation of an ATM in the shopfront window.
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Appeal B - Ref: APP/X5990/H/19/3234159

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The application Ref: 19/03199/ADV, dated 26 April 2019, was refused by notice dated 3 June 2019.
 - The advertisement proposed is display of 1 internally illuminated ATM fascia sign, measuring 197 mm x 548 mm and 1 internally illuminated projecting sign measuring 400 mm x 400 mm x 100 mm.
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Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. The descriptions in the banner headings above are taken from the decision notices as they more appropriately describe the proposed development and advertisement than those shown on the application and appeal forms.

Main Issues

3. The main issues are:
 - a) for Appeal A, the effect of the proposal on highway safety, and whether it would increase opportunities for crime in the local area
 - b) for Appeal B, the effect of the proposed advertisement on the amenity of the appeal site and its surroundings.

Reasons

Appeal A

Highway safety

4. The site is situated in Soho, which, as part of London's Central Activity Zone (CAZ), is a vibrant and iconic area which attracts a substantial volume of visitors, including tourists. The appeal building is located in the Soho Conservation Area (CA).
5. The site is near the crossroads of Old Compton Street and Dean Street. There is a diverse mix of bars, cafes, restaurants and shops in the vicinity of the site. During my site visit I observed a steady pedestrian flow past the site. Although a 'snapshot' in time, there is nothing before me to suggest my observations are untypical. Given the site's location within the CAZ and the area's renown as a visitor destination, including for its nightlife, a frequently high footfall is anticipated past the site and in its vicinity, year-round.
6. The pavement in front of the host building is around 3m wide. Given the typical effect of ATM queues - as described in Transport for London's Pedestrian Comfort Guidance for London (2019) - the proposal is likely to result in the width of the pedestrian clear zone frequently being reduced to less than the minimum 2m which is required for two people to pass by comfortably, as set out in the Westminster Way - Public Realm Strategy Design principles and practice (2011). Moreover, in combination with a substantial lamppost which is in the pavement in front of the appeal building, use of the proposed ATM would create a 'pinch point', which would exacerbate the effect described above.
7. Consequently, use of the proposed ATM is likely to obstruct the flow of pedestrians and cause them to step into the road, both to queue for the ATM and walk around the queue. Taking the above together, I find that the proposal would put pedestrians at risk of collision with road users including vehicles.
8. Other scenarios involving temporary furniture on pavements, as cited by the appellant, are noted. However, they differ from the appeal proposal as they do not involve ATMs. Moreover, the proposal has its own setting and circumstances, and I assess it on its own merits.
9. To conclude on this main issue, the proposal would harm highway safety. As such it would conflict with Policy TRANS3 of the City of Westminster Unitary Development Plan (2007) (UDP) and Policy S41 of the Westminster City Plan (2016) (CP). Together the policies seek to ensure that development results in a convenient and safe pedestrian environment, particularly in areas with high pedestrian volumes.

Crime

10. There are reportedly significant levels of crime, including theft, in the area around the location of the proposed ATM, according to the Metropolitan Police. It is quite possible that visitors to the area, including tourists, may not be familiar with local crime issues. The lines of sight to the proposed ATM on Old Compton Street, and from the crossroads with Dean Street, would allow customers to be observed withdrawing money, and potentially targeted for theft. Moreover, the likely pedestrian congestion described above would add to the risk of distraction and vulnerability of ATM users. Taking the above together, the proposed ATM would increase opportunities for theft in an area where this type of crime is a particular concern.

11. I acknowledge that the appellant is prepared to increase the specification to provide PIN guard protection, external lighting, CCTV and potentially other measures. However, there is no guarantee that additional lighting of the ATM would be acceptable in terms of character and appearance. Moreover, it is unlikely that such measures would be sufficient to override the risk and vulnerability described above.
12. In conclusion, the proposal would have the realistic potential to increase opportunities for crime in the area. As such, it would conflict with Policy DES 1 of the UDP and Policy S29 of the CP, which together seek to ensure that development is designed to minimise opportunities for crime.
13. As former Policy STRA18 of the UDP is no longer part of the Local Plan, it is not engaged.

Appeal B

14. The appeal building is part of a row of four-storey premises - with eating and drinking places and shops - on a stretch of Old Compton Street which is located between Frith Street and Dean Street.
15. Whilst there is some variety to the shopfronts on this stretch, there is a noticeable emphasis on darker, plain, background colouring to surrounds of windows and doors, modest hanging signs, and ornate mounted or minimal painted lettering. Along with the heritage appearance of the upper floors of the buildings, the above factors combine to give the appeal building's immediate surroundings within the CA a cosmopolitan, yet traditional architectural character. Whilst the appeal shopfront, with its prominent text and 'busy' looking frontage does not especially articulate the above aesthetic, the shop function and late four-storey, Victorian host building overall contributes to the defining character described above.
16. Old Compton Street is described in the Soho & Chinatown Conservation Area Audit (CAA) as part of the most significant larger east/west route within the CA. Moreover, the site's location near the crossroads of Old Compton Street and Dean Street give it prominence within the CA.
17. Whilst the appellant's drawings and appeal statement describe the proposed signs as 'non illuminated', the application form states that both the proposed signs would be internally illuminated. As such, I shall assess the proposal on the basis that the signs would be internally illuminated.
18. Sections 3 and 5 of the City of Westminster Advertisement Design Guidelines (1992) (ADG) together promote a 'subtle' approach to fascia design, which requires advertisements in conservation areas to be visibly compatible with the traditional appearance of their street. To achieve this, the ADG broadly recommends traditional materials - such as painted timber, wrought iron, bronze and other alloys or ceramics - rather than internally illuminated box signs constructed from non-traditional materials such as perspex. The ADG adds that external illumination is generally preferable to internal, and, where internally illuminated signs are used they should take the form of individually mounted and lit letters or symbols, on a background made of appropriate materials.
19. The proposed acrylic material and internally illuminated specification of the ATM fascia sign and projecting sign would have a modernity that would not be

in keeping with the prevailing traditional character and appearance of the street, and the late Victorian host building.

20. I note the presence of ATMs elsewhere in Westminster. I also acknowledge that the scale of the proposed signage would be modest. Nevertheless, for the reasons described above, I conclude that the proposed advertisement would harm the visual amenity of the building and area. Moreover, it would fail to preserve or enhance the character and appearance of the CA.
21. I have taken into account Policies S25 and S28 of the CP and Policy DES8 of the UDP. Policy DES8 requires advertisements to be sensitively located within the streetscene, and relate to the character, scale and architectural features of the buildings on which they are fixed. Together, Policies S25 and S28 require Westminster's conservation areas to be conserved and its heritage and local distinctiveness to be respected. As described above, I have also taken into account the guidance in the ADG. As such, the policies and guidance seek to protect visual amenity, and so are material in this case. Given my finding that the proposal would harm amenity, the proposal conflicts with these policies and guidance.
22. Furthermore, in my consideration of the proposal's effect on amenity, I have had regard to the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the CA.

Other Matters

23. The proposal would provide the benefit of a cash withdrawal facility for customers to use in local businesses. However, given that there are a number of ATMs in the vicinity of the site, and the increasing use of cashless transactions by the general public, the scale of benefit would be limited. Furthermore, the benefit would not outweigh the harm identified.

Conclusion

24. For the reasons given above, I conclude that Appeals A and B should be dismissed

William Cooper

INSPECTOR