
Appeal Decisions

Site visit made on 3 February 2020

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an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal A Ref: APP/X5990/Y/19/3238764

2 Station Approach, Marylebone Road, London NW1 5LD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Dave Bennett, Vodafone UK, against the decision of the Council of the City of Westminster.
 - The application Ref 19/05175/LBC, dated 3 July 2019, was refused by notice dated 16 August 2019.
 - The works proposed are the addition of halo illumination to fascia and projecting sign.
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Appeal B Ref: APP/X5990/H/19/3238607

2 Station Approach, Marylebone Road, London NW1 5LD

- 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 appeal is made by Dave Bennett, Vodafone UK, against the decision of the Council of the City of Westminster.
 - The application Ref 19/04909/ADV, dated 25 June 2019, was refused by notice dated 16 August 2019.
 - The advertisement proposed is a halo illuminated timber fascia with bronze anodised aluminium fret cut lettering. Halo illuminated aluminium box projecting sign to right-hand side of fascia.
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Decisions

Appeal A Ref: APP/X5990/Y/19/3238764

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/H/19/3238607

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background & Main Issues

4. While I have determined each appeal on its own merits, in the interests of conciseness and clarity, I have dealt with the appeals together in my reasoning. The Council has raised no objection to the design of the unilluminated fascia sign or the unilluminated projecting sign to which it has
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granted listed building consent and advertisement consent. Nor has it identified any harm to the historic fabric of the building from this proposal. Its concern is focused on the illumination of the signs, and the effect of this on the listed building and on the CA. The main issues in the appeals are therefore:

5. Appeal A: This is an appeal against the refusal of listed building consent. The main issue for appeal A is:
 - whether the proposal would preserve the grade II* listed building whose statutory address is Baker Street Station: main entrance building and Metropolitan, Circle and Hammersmith and City Line platforms (Nos 1-6), including retaining wall to Approach Road, Marylebone Road, and any of the features of special architectural or historic interest that it possesses.
6. Appeal B: This is an appeal against the refusal of advertisement consent. The Regulations and the National Planning Policy Framework (the Framework) require that decisions are made only in the interests of amenity and public safety. No concerns have been raised with regard to public safety, and I have no reason to disagree with this view. The appeal building falls within the Dorset Square Conservation Area (CA). Therefore, the main issue for appeal B is:
 - the effect of the proposal on visual amenity, having particular regard to its effect on the CA.

Reasons

The significance of the listed building and the CA

7. Baker Street was intended to be the Metropolitan Railway Company's flagship station and to house its offices and a 15 bay hotel carried on a tall rusticated and arcaded ground floor approached by a long ramp alongside Marylebone Road and leading to a grand booking hall. Though flats were built in place of the hotel, the grand approach and the Portland stone arcaded base, now largely infilled with shops, remains. The CA is significant for its neo-Classical terraces forming a small grid layout in which there is a distinctive, coherent scale and texture of different buildings from different periods ranging from mews to first rate townhouses, and mansion blocks and hotels to railway stations.

The effect of the proposal on the listed building

8. The arched arcade of the Marylebone Road elevation of the building is largely infilled with glazed shop fronts, set into the façade. They commonly incorporate fascias for signage running between the springing points of each arch. Infront of the arcade, the station apron is busy with passengers and visitors passing along the frontage and entering the station, or the shops within the arches. There are commercial stands closer to the long ramp, and tour buses stop alongside. In this commercial and very active context along this frontage, the sensitive illumination of the consented fascia sign in this shop would not harm the special historic or architectural character of the building.
9. The fascia sign contains individual, aluminium letters raised off a dark-stained, hardwood background. The illumination of the fascia lettering from behind each letter with concealed LED lights would have an unobtrusive, halo effect around the letters, contrasted against the darker background of the fascia.

Illuminated lettering of the scale and intensity proposed would not weaken the power of the arch as a symbol inviting entry and displaying enduring strength. Nor would the intensity of the light detract from the architectural order or texture of the elevation of the building. The illumination of the fascia lettering would not harm the special historic or architectural character of the building. Indeed, it would be less obtrusive than other forms of lighting, including trough lights and swan neck lights, which I saw on other shops in the same elevation.

10. Notwithstanding this, the architectural character of the listed building relies on the base being legible and visually connected to the piano nobile, particularly the legibility of the arches from the modelling of their openings and the sculptural effect of the rustication in relation to the plainer masonry above.
11. I have taken into account that the projecting sign is relatively small and confined within the fascia of the shop rather than fixed to the wall of the building. Nonetheless, it projects at ninety degrees to the plane of the elevation, which is significant for both the geometrical balance of its classical order as well as for the relief provided by the openings, the ornamentation, and the textures within it. The illumination of this projecting sign would bring it too much prominence in the elevation, working against the highly ordered façade of the listed building, undermining its special architectural character.
12. The appellant has pointed out that the design of the proposal follows a station design guide¹, however I have not been provided with the guidance, nor does this change my finding above in relation to this particular shop front and the merits of this case.
13. The proposal would not preserve the grade II* listed building and its features of special architectural interest described above. It would conflict with strategic policies S25 and S28 of the Westminster City Plan consolidated with all changes since November 2013 (November 2016) (WCP) which seek the conservation of heritage assets and the highest standards of architecture. It would run against saved policies DES1 and DES10 of the City of Westminster Unitary Development Plan 2007 (UDP) which aim to protect and enhance listed buildings, and the features of special architectural or historic interest they possess.

The effect of the proposal on visual amenity

14. The illumination of the fascia sign would be sensitive to the building and to the character of the street scene in this part of the CA. However, I have identified harm from the illumination of the projecting sign to the Marylebone Road façade of the station, a principal elevation of this landmark building in the CA, which features in two of its identified views. The proposal would undermine the architectural integrity of the building which has a substantial influence on the appearance of the whole CA. It follows that the advertisement signage would harm visual amenity.
15. Against the scale of the building and the street, I acknowledge the degree of harm to the significance of the CA would be small. Nonetheless the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails.

¹ Baker Street Retail Frontage Design Guide revision 04, dated 18/05/2015

16. I have taken into account WCP policies S25 and S28, as well as saved UDP policies DES1 and DES8. These require signs and advertisements to be sensitively located in the street scene, to relate to the architectural features of the building on which they are to be fixed, and to avoid visual clutter on a building, and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies, and it fails to preserve the appearance of the Dorset Square Conservation Area.

Conclusion

17. The proposal would preserve neither the special architectural interest of the listed building nor the appearance of the CA. Paragraph 194 of the Framework advises that significance can be harmed or lost through the alteration or destruction of those assets, and that any harm to the significance of a designated heritage asset should require clear and convincing justification. Although the degree of harm I have identified would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met.
18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits advanced. Given the above, and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve the special architectural interest of the grade II* listed building, as well as the appearance of the CA, thereby harming visual amenity. It would fail to satisfy the requirements of the Act and the development plan, as well as paragraph 192 of the Framework. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR