



Appeal Decision

Site Visit made on 9 March 2021

by William Cooper BA(Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/X5990/Y/20/3254987

22 - 32 Shaftesbury Avenue, London, W1D 7EJ

- 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 Little Lion Entertainment Ltd against the decision of City of Westminster Council.
 - The application Ref: 20/02190/LBC, dated 27 March 2020, was refused by notice dated 13 May 2020.
 - The works proposed are display of illuminated projecting sign measuring 1400mm x 1800mm at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice as it is more precise than that shown on the application form.
3. As the proposal relates to a listed building and is in a conservation area, I have had special regard to section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issue

4. The reason for refusal cites harm to the listed building and the character and appearance of the Soho Conservation Area (CA) in which it is located. Furthermore, I have had special regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Having regard to the above, the main issue is whether the proposed works would a) preserve the Grade II listed building, '20-24, Shaftesbury Avenue' (Ref: 1264707), or any features of special architectural or historic interest that it possesses, and b) preserve or enhance the character or appearance of the CA.

Reasons

6. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to the appeal, lies in the historic townscape that reflects the area's evolution as part of 'London's Theatreland' and a diverse place for fashion, shopping, socialising and nightlife. This townscape includes the large scale, flamboyant theatre and commercial premises along Shaftesbury Avenue, which date from the late nineteenth century.

7. The listed building is a commercial building, sometimes known as Avenue Mansions, that dates from the late 1800s. It is located within London's Theatreland and forms part of the Trocadero Centre. Shaftesbury Avenue is a broad, typically bustling street that runs from Piccadilly Circus to Cambridge Circus. The building's location, fronting onto Shaftesbury Avenue, contributes to its prominence and profile.
8. Having initially comprised shops on the ground floor and apartments above, the listed building is an unusual example of residential work by architects Wylson and Long. No longer residential, the building's subsequent uses have included a restaurant, casino and a games and experiences-based leisure facility. The latter is located in the appeal property, which includes part of the listed building.
9. The listed building has four main storeys plus an attic. Its front facade is of red brick and red sandstone with a slated mansard. The facade is of Dutch style with gables and gable dormers. Above bay-windowed timber shopfronts at ground floor, the fenestration pattern comprises square-headed casement windows across much of the building's facade, topped with layers of arched windows. This pattern combines with a 'grid' of bays, pilasters and balustrades set around a central bay with a large gable. This grid is punctuated by segmental pedimented doorways and framed at one end by a corner tower with pointed roof. Corbels and a carved brick frieze further add to the ornamentation of the listed building's facade. Together these elements articulate architectural rhythm, solidity and ornamentation in the Victorian Dutch style facade. They form a coherent, well-proportioned composition.
10. The facade of the listed building consequently embodies evidential, historical and aesthetic values. This gives the building a distinctive presence on the south side of Shaftesbury Avenue that contributes to both the building's special interest and the significance of the wider CA. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic legibility, coherent composition and intact fabric of its Victorian facade.
11. The Apollo, Lyric, Gielgud and Sondheim form a cluster of late Victorian theatres on the north side of Shaftesbury Avenue, within sight of the appeal building. Signage includes substantial projecting signs at first floor level of these theatres, promoting their shows. In addition, theatre name signs are located higher up the buildings' frontages.
12. That said, the locality of the listed building - including the south side of Shaftesbury Avenue on which it is sited and the wider CA - is characterised by frequently grand facades of historic buildings that are largely free from signage, particularly above ground floor level. This includes the first floor of the front elevation of the listed building and storeys above, which are free from projecting signage. As a result, sweeping vistas of relatively uncluttered facades of historic buildings are characteristic of Shaftesbury Avenue and the wider CA. Furthermore, the theatres' presence within the townscape of London's historic Theatreland is distinctively highlighted.
13. At around 1.8m high and projecting approximately 1.4m from the building's facade at first floor level, the proposed illuminated apex board sign is designed to attract attention. It would sit tightly between windows, rising the full height of the first floor, higher than the windows and would cover over corbel detail.

The sign's combination of full storey height, apex board profile, modern style and illumination would interrupt the architectural rhythm and coherent composition of the principal facade of the listed building. It would also obscure and distract from the building's historic detailing, from various viewpoints on Shaftesbury Avenue.

14. The proposed inclusion of white LED festoons on the sign would draw attention away from the facade's historic detailing and composition, unlike uplighting that highlights historic detailing, for example.
15. The appellant describes an 'immersive theatrical experience' at the appeal premises. Be that as it may, the appeal building does not host performances of plays or musicals in an auditorium and the listed building is not a theatre. As such, the proposal would dilute the characteristic prominence of theatres within the townscape of London's Theatreland, along Shaftesbury Avenue.
16. The above impacts would be discordant with the character of the listed building and the CA. Moreover, the fixing of the illuminated sign to the historic brickwork would damage the fabric of the listed building.
17. Therefore, I find that the proposal would fail to preserve the special interest of the listed building, and the character and appearance of the CA. I give this harm considerable importance and weight.
18. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, and that this should have a clear and convincing justification. Given the extent of the changes, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
19. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
20. The proposed sign would increase the profile of the business within the streetscene. This would contribute to promoting a diverse leisure and entertainment mix in the area. That said, the premises are already prominently located within an iconic London visitor area on an apparently bustling route between Soho and Chinatown, a short walk from Piccadilly Circus. Furthermore, the location of the business is identifiable by its shopfront awnings, fascia level signage, illuminated signage behind shopfront glazing, sign above the door, pavement 'A' board and other nearby signage within the Trocadero building. These elements are visible to passing pedestrians, bus passengers and drivers on Shaftesbury Avenue. This is in addition to the scope for digital marketing.
21. The occupation of the appeal premises has facilitated renovation of the building. This has apparently been possible without the proposed sign.
22. As such, the future viability of the listed building as a commercial building and the upkeep of its fabric are not demonstrably dependent on the proposed works. Accordingly, I find that insufficient public benefits have been identified to outweigh the harm I have identified to the heritage assets.

23. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building, and the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. Also, while of limited relevance to an appeal made under section 20 of the Act, it would conflict with Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES1, DES8, DES9 and DES10 of the City of Westminster Unitary Development Plan (2007), which seek to ensure that proposals conserve designated heritage assets and the historic environment.

Conclusion

24. For the reasons given above I conclude that the appeal should fail.

William Cooper

INSPECTOR