

Appeal Decision

Site visit made on 27 April 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/X5990/W/20/3258607

63 Abbey Road, London, NW8 0AE

- 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 Ali Sayed against the decision of City of Westminster Council.
 - The application Ref 19/07445/FULL, dated 26 September 2019, was refused by notice dated 11 August 2020.
 - The development proposed is the retention of 4 x retractable canopies.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development the subject of this appeal has already taken place.
3. The description of the development is taken from the application form. In its decision notice, the Council refers to the development as "the retention of 3 retractable canopies and 1 fixed canopy."
4. The appellant states that planning permission is sought for the retention of awnings that have been installed for at least the past 11 years. The Council points out that there have been a number of previous applications for alterations to the front of the appeal property and that "the awnings have never had permission."

Main Issue

5. The main issue in this case is whether the proposed development would conserve or enhance the character and appearance of St John's Wood Conservation Area.

Reasons

Character and appearance

6. The appeal property is a four storey end terrace dwelling situated in a prominent position in a mixed use area, at the corner of Abbey Road and Belgrave Gardens. It is located within St John's Wood Conservation Area.
 7. Number 63 Abbey Road is a brick-built property with ornately stuccoed upper storeys. The building's ground floor frontage comprises a projecting colonnade
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- of fluted Corinthian/composite columns framing glazing to both elevations under a classical cornice. The building is designated as an unlisted building of merit.
8. St John's Wood Conservation Area is characterised in this area by the presence of tall terraces of attractive period properties set along wide pavements. The presence of street trees and occasional small front garden areas add to a sense of spaciousness and provide greenery. Corner buildings appear prominent and draw attention to themselves, due to their height, their generally attractive appearance and the sense of spaciousness around them.
 9. Many properties along the same side of Abbey Road as the appeal property in this location have commercial uses at ground floor level and residential accommodation above. Whilst Belgrave Gardens has a mixed use character close to Abbey Road, this changes into a distinctly residential character beyond the appeal property, where tall terraces of period dwellings are set back behind small front garden areas.
 10. A Grade II Listed K2 telephone kiosk is situated on the pavement along Belgrave Gardens adjacent to the appeal property. The attractive red kiosk's distinctive, traditional appearance makes a significant positive contribution to St John's Wood Conservation Area's distinctive sense of place and history in this location.
 11. The development the subject of this appeal comprises large canopies to the appeal property's Abbey Road and Belgrave Gardens frontages at ground floor level. Together, the canopies extend around the majority of the front and side of the appeal property and in so doing, I find that they add considerable visual clutter and serve to hide the building's attractive ground floor frontage when opened. This detracts from the appearance of this unlisted building of merit's otherwise attractive ground floor frontage, described above.
 12. In addition, the fixed canopy attached to the appeal property's Belgrave Gardens' elevation effectively creates an enclosed outdoor room that appears 'fixed' rather than temporary. This is a particularly cumbersome addition which appears wholly incongruous against the ornate period features of the host property.
 13. The fixed canopy crowds the pavement and severely reduces the spacious qualities of Belgrave Gardens, "jarring" with its attractive period and largely residential character. Further, the prominent location of the appeal property results in the fixed canopy drawing attention to itself as a feature out of keeping with its surroundings.
 14. Also, the fixed canopy appears so close to the Grade II Listed K2 telephone kiosk as to overwhelm and "overcrowd" it. It fails to respect the setting of the kiosk and to some considerable degree, it severs the visual link between the kiosk and the residential street beyond.
 15. Taking all of the above into account, I find that the proposed development would fail to conserve or enhance the appearance of St John's Wood Conservation Area. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) and paragraph 017 of the Planning Practice Guidance, I consider that the harm to the character and appearance of the

Conservation Area would be less than substantial. This needs to be balanced against any public benefits the development may bring.

16. Whilst I recognise there has been investment into the refurbishment of the appeal site and that, as pointed out by the appellant, the purpose of the canopies is to protect patrons from adverse weather, there is no substantial evidence to demonstrate that these are factors which amount to such public benefits that they would outweigh the harm identified.
17. Consequently, I find that the proposal would fail to conserve or enhance the character and appearance of St John's Wood Conservation Area, contrary to the National Planning Policy Framework, to Westminster City Plan (2016) Policies S25 and S28, to Westminster Unitary Development Plan Policies (2007) DES1, DES5, DES9 and DES10, to the Council's Supplementary Planning Guidance Roofs: A Guide to Alterations and Extensions to Domestic Buildings (2004) and Shopfronts, Blinds and Signs (2004), or to the Council's Supplementary Planning Document, Conservation Area Audit: St John's Wood (2008), which together amongst other things, seek to protect local character.

Other Matters

18. During my site visit I observed there to be other ground floor canopies outside other commercial uses in the vicinity. Most of these appear relatively small and relate to shops. Whilst I also observed some larger canopies associated with food and drink uses, the circumstances did not appear to me to be the same as those the subject of this appeal. Notwithstanding this, I have found that the proposal would fail to conserve St John's Wood Conservation Area and hence the decision below.

Conclusion

19. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR