



---

# Appeal Decision

Site visit made on 11 May 2021

**by C J Ford BA (Hons) BTP MRTPI**

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

**Decision date: 26 May 2021**

---

**Appeal Ref: APP/X5990/W/20/3264158**

**Ground Floor, 1 Curzon Street, London W1J 5HD**

- 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 Hunter & Gold Ltd against the decision of City of Westminster Council.
  - The application Ref 20/04129/FULL, dated 2 July 2020, was refused by notice dated 8 September 2020.
  - The development proposed is described as 'Proposed external alterations to the former Costa Coffee Shop comprising the replacement of existing windows with bi-folding doors, the provision of retractable awnings, the provision of outdoor seating, the provision of external wall mounted infrared heating strips and the placing of signage to the shop front'.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. It is noted the Council determined the application on the basis the proposed development comprised, 'Replacement of existing windows with bi-folding doors, the provision of retractable awnings, and installation of external wall mounted infrared heating strips'. The appellant acknowledged the change to the description on the appeal form and the appeal has been determined on the basis of the revised description.
3. Since the Council determined the application, the policies in the City Plan 2016 and Unitary Development Plan 2007 (UDP), as referenced in its reason for refusal, have been superseded by policies in the recently adopted City of Westminster City Plan 2021 (CP). The submissions of the main parties took this into account and the new policies have been duly considered in the determination of the appeal.
4. At the time of my site visit tables and chairs were positioned outside of the premises and there were numerous retractable white umbrellas and heating panels attached to the neighbouring window frames. In the interests of clarity, the appeal has been determined having regard to the design of the awnings and heating strips that are shown in the submitted plans.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the building and the Mayfair Conservation Area.

## Reasons

6. As the site is located within the Mayfair Conservation Area (CA), a designated heritage asset, it is necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is largely derived from the historic street pattern and the high quality of the historic buildings found therein.
7. The appeal site forms part of a substantial late twentieth century postmodern style building. While it is not listed and does not reflect the historic character of the buildings typically found within the CA, it nevertheless makes a positive contribution to the area through its well-ordered, cohesive design and the use of high-quality facing materials in the main façade.
8. At the base of the building there is a band of dark granite and as the raised cills to the ground floor windows are made of the same material, they integrate with the band. In the Curzon Street façade, there are small breaks in the continuity of the granite band related to secondary doorways, while a large break coincides with the main entrance. The granite band and the hierarchy of the openings at the ground floor level are therefore important characteristic features of the building.
9. The proposed development would result in a ground floor window being replaced with a double door and two particularly wide windows on either side of the new double door replaced with bi-folding doors. The resulting loss of significant parts of the granite band and the disruption to the hierarchy of the openings at the ground floor level would be harmful to the distinctive character and appearance of the building. Furthermore, in an open position, the bi-folding doors would reveal two wide, fairly tall and particularly deep voids. Given such voids do not form part of the design of the façade, they would be incongruous features that would cause significant harm to the architectural integrity of the building. They would also be incongruous to the wider street scene given the north side of this part of Curzon Street is taken up by the building. The adverse impacts on the building and the street scene would be detrimental to the CA.
10. When closed, the proposed awnings and heaters would be recessed above the doors, with the heaters covered by louvers/grills. When open, the extended awnings, up to four in total, would be of a simple design with the heaters set behind. Although the submission and approval of details would be required in relation to the appearance of the louvers/grills when open and how the LED strip lights would be accommodated, overall they would not result in a cluttered appearance that would be harmful to the façade of the building. The same applies to the proposed grill alongside the existing doorway.
11. While the Council notes the drawings indicate the first-floor windows would be replaced, this does not form part of the description of the proposed development, and the site address given on the application form refers to the ground floor. As it is therefore unclear whether there is merely an error in the drawings in the depiction of some of the mullions of the first-floor windows, no weight is attributed to the harm that would arise from such changes to the building.

12. It is noted that Policy DES 5 of the UDP, as referred to in the Council's reason for refusal, contained a specific criterion which sought to resist entirely or largely openable shop fronts to retail or similar premises. While it has been superseded by policies in the CP which do not contain a similar criterion, the effect of such openings on the architectural integrity of a building and the character of the wider area nevertheless remains a relevant general consideration.
13. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the building. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies 38, 39 and 40 of the CP. Policies 38 and 40 seek to ensure alterations respect the character of existing buildings and that development positively contributes to Westminster's townscape and streetscape. Policy 39 requires development to preserve or enhance the character and appearance of Westminster's Conservation Areas. It would also conflict with Policies MR5.1 and MR5.2 of the Mayfair Neighbourhood Plan 2019, which seek to ensure proposals enhance the character of the building, streetscape and the conservation area within which it is located, and that important original architectural details are protected.

### **Other Matters**

14. The National Planning Policy Framework (the Framework), sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against the public benefits of the proposal. It also sets out that great weight should be given to the conservation of designated heritage assets.
15. The public benefits put forward by the appellant include; the economic benefits derived from the occupation of the unit by the appellant's business that generates some 60 jobs, the provision of an active frontage, the contribution to the range and diversity of uses within Mayfair and the Core Central Activities Zone, and the avoidance of the harmful effects of a protracted period of vacancy within the unit.
16. The appellant states the viability of the business will be damaged unless the proposed alterations can be undertaken which will improve the ease of access to the footway outside the unit and the tables and chairs located there. It is also stated this would enable patrons to move between the internal and external spaces without having to go through the main entrance, which would create a potential pinch point, and that the fully openable shop front would allow for increased covers.
17. However, this is not supported by the proposed layout plan which shows that access to the footway would be severely restricted by a combination of the position of the tables and chairs and the folded back doors. Furthermore, due to the space required for the folding operation of the doors, it would not enhance the number of covers that could otherwise be accommodated. Although the proposed scheme would increase the airflow and provide an indoor-outdoor setting which many patrons would value given the context of the Covid-19 pandemic, it has not been demonstrated that the fully opening nature of the shop front would be the only way to achieve this effect.

18. Therefore, on the basis of the evidence put before me and the understanding that the current Covid-19 restrictions are temporary, the appellant's viability concerns may be afforded very limited weight. Furthermore, an active frontage could be achieved without the fully openable shop front and given the site is located in a prominent and busy part of Mayfair at the heart of central London, the prospect of the unit having a protracted period of vacancy in the absence of the appellant's business is unlikely to be high. Consequently, the suggested public benefits of the development do not outweigh the permanent harm to the character and appearance of the building and the CA, and the great weight that should be given to the conservation of designated heritage assets.

### **Conclusion**

19. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
20. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

*C J Ford*

INSPECTOR