
Appeal Decisions

Site visit made on 15 December 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal A Ref: APP/X5990/W/20/3245031 20 - 21 Leicester Square, London WC2H 7LE

- 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 The Restaurant Group against the decision of the City of Westminster Council.
 - The application Ref 19/08544/FULL, dated 4 November 2019, was refused by notice dated 14 January 2020.
 - The development proposed is shopfront alterations, replacement signage and associated external alterations.
-

Appeal B Ref: APP/X5990/H/20/3245036 20 - 21 Leicester Square, London WC2H 7LE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by The Restaurant Group against the decision of the City of Westminster Council.
 - The application Ref 19/08545/ADV, dated 4 November 2019, was refused by notice dated 7 January 2020.
 - The advertisement proposed is shopfront alterations, replacement signage and associated external alterations.
-

Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for replacement of shopfront and associated alterations at 20 - 21 Leicester Square, London WC2H 7LE in accordance with the terms of the application, Ref 19/08544/FULL, dated 4 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to Appeal A: TB_19_1740 P001 Rev. 00, TB_19_1740 P002 Rev. 00, TB_19_1740 P003 Rev. 00, TB_19_1740 P004 Rev. 00, TB_19_1740 P005 Rev. 00, TB_19_1740 P006 Rev. 00, TB_19_1740 P101 Rev. 00, TB_19_1740 P102 Rev. 00, TB_19_1740 P103 Rev. 00, TB_19_1740 P104 Rev. 00, TB_19_1740 P105 Rev. 00, TB_19_1740 P106 Rev. 00, TB_19_1740 P107 Rev. 00, TB_19_1740 P108 Rev. 00, TB_19_1740 P109 Rev. 00 dated October 2019 and Planning Support Statement incorporating design and access statement and heritage statement dated 04 November 2019.

- 3) The materials and construction methods to be used in the construction of the external surfaces, and the finished appearance of the development hereby permitted, shall match the existing building.
2. Appeal B: The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

3. During the course of the applications the descriptions of the proposals appear to have been revised. In the interests of clarity and as they best describe the proposals before me, I have taken the description of development from the Council's decision notices and the appeal forms rather than those found on the original application forms. In respect of Appeal A, these documents describe the development as replacement of shopfront and associated alterations. For Appeal B the proposal is described as display of two internally illuminated fascia signs each measuring 0.65m x 11.15mm and 0.85m x 11.15mm at first and ground floor level.
4. Appeal A is an appeal against refusal of planning permission, whereas Appeal B is an appeal against refusal for advertisement consent. However, the applications are intrinsically linked.
5. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn to my attention the policies it considers relevant to Appeal B and I have taken them into account as a material consideration though they have not, by themselves, been decisive in reaching my determination on this appeal.
6. During the appeal process The City of Westminster adopted The City Plan 2019 – 2040 (CP). The CP has superseded policies within Westminster's City Plan, November 2016 and the City of Westminster Unitary Development Plan 2007. As such both parties have been offered an opportunity to consider and comment on the CP in the context of these appeals. I have therefore determined the appeals on the basis of the up to date development plan.

Main Issues

7. The main issue in Appeal A is the effect of the development on the character and appearance of the host building and the wider area, including whether or not the proposal would preserve or enhance the character or appearance of the Leicester Square Conservation Area.
8. The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons

9. The appeal site, 20 – 21 Leicester Square, was previously in use as the 'Chiquito' restaurant; however, at the time of my site visit the 'Chiquito' signage had been removed and the building appeared to be closed. The building is situated close to the corner of the Square and forms part of a run of buildings of differing designs and appearances in commercial use within a

vibrant and bustling area. The site is situated within the Leicester Square Conservation Area (CA).

10. The appeal proposals form part of a number of applications for alterations to the building and advertisements, a number of which have been approved. The proposals in this instance are for alterations to the shopfront to facilitate the use of the building as two separate restaurants (Appeal A) and two illuminated fascia signs, one at ground floor and one at first floor level (Appeal B).
11. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In addition to the requirement under section 72 of The Act, the CA is also a designated heritage asset as defined by the National Planning Policy Framework (the Framework), which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
12. Furthermore, in respect of Appeal B, the Framework states in paragraph 132 that the quality and character of places can suffer when advertisements are poorly sited and designed. As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, advertisements should be subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, as the Planning Practice Guidance explains, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.

Appeal A

13. The proposal includes the subdivision of the shopfront, new fenestration, new ramps to facilitate access, new iron balustrades and the removal of a number of existing signs, a menu case, existing wall lights and the existing first floor balcony, railings and columns.
14. At present the appeal building has a cluttered appearance with a number of signs, lights and features, such as the balcony, which visually compete with one another. The removal of a number of these elements and the simplification of the front elevation would, in my view, improve the overall appearance of the building.
15. The fenestration of the building differs across the floors. The previous ground floor doors were brown, the first floor windows grey and the second and third floor windows white. The ground floor railings also differ in design to the balcony and second floor window railings. The arrangement of the windows and doors at ground floor level is also notably different from the highly uniform and symmetrical layout which characterises the upper floors.
16. As is currently the case, the proposed arrangement of the fenestration and doors at ground floor level would be different to those of the floors above. However, in my view, it is not uncommon for buildings such as this to have a notably different appearance from upper floors at ground floor level. Overall, the use of matching railings across the ground, first and second floor and the proposed alterations to the fenestration would serve to unify and enhance the

overall sense of cohesion of the building thus ensuring that the differences between the floors would not lead to a disjointed appearance.

17. Consequently, though I note the ground floor would not appear symmetrical, the proposal would not lead to the building appearing visually unbalanced or cause harm in this regard. The removal of the balcony would, indeed, increase the visibility of the ground floor of the building. However, for the reasons outlined above, I do not consider that this would be harmful.
18. I note the Council's disappointment that the opportunity to remove the louvres has not been taken and acknowledge the Council's aim to avoid such features where possible. However, though the louvres would remain, the proposed window arrangement and materials would serve to lessen their prominence and would, nevertheless, represent an improvement on the existing arrangement.
19. I therefore consider that the proposal would not cause harm to the character and appearance of the host building or the wider area and would preserve or enhance the character or appearance of the Leicester Square Conservation Area.
20. The proposal would, therefore, accord with Policies 34, 38, 39 and 40 of the CP which seek to protect Westminster's open spaces and state that Westminster's heritage assets will be conserved and enhanced, including its conservation areas and seek sensitively designed developments which display exemplary standards of sustainable and inclusive design. The proposal would also comply with Policy 43 of the CP. Amongst other things, this policy seeks development which contributes to a well-designed clutter free public realm and asks that signs and advertisements are sensitively designed.
21. The proposal would also meet the aims of the City of Westminster supplementary planning guidance Shopfronts, Blinds and Signs (SPG) which provides guidance for the alteration, replacement and restoration of shopfronts.
22. Furthermore, the proposal would conform with the Framework which sets out arrangements for the protection of heritage assets, promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Appeal B

23. The proposal is for the display of two internally illuminated fascia signs at first and ground floor level. These signs would replace the existing signage on the front elevation of the building and would simplify the appearance of the building and reduce visual clutter. The wider area is characterised by its vibrant mix of uses and a prevalence of Illuminated signage and advertisements.
24. The signage would form two bands across the building with the two restaurant names sited on a dark background colour, to match the proposed fenestration. The lower level signage would be larger than the signs at first floor level and would thus respect the proportions of the features of the host building which reduce in size as the height increases.
25. The proposed signage would be internally illuminated. A number of prominent external lights would be removed. The resultant illumination of the building would be less visually intrusive than is currently the case and the proposed

lighting would not cause the building or the signage to appear unduly visually prominent within its context.

26. In my view, especially given their setting within a vibrant commercial area, the signs would not be visually obtrusive and would complement rather than dominate or detract from the appearance of the host building. The proposed advertisements would be in scale and in keeping with the host building and the CA.
27. The proposed removal of the balcony as part of Appeal A would lead to the signage on the building becoming more prominent. However, signage such as this is designed to be visible. As I have set out above, I do not consider that the proposal would be visually harmful, as such, increased visibility would not be detrimental in this instance.
28. I note that the Council suggest that an individual building should have only one projecting sign and one fascia sign. However, in this instance the building is to be split into two separate restaurants and, consequently, additional signage is justified. Furthermore, the overall amount of visual clutter on the building would be reduced as a result of the proposals.
29. Though I acknowledge that in Leicester Square the Council generally seek to restrict high level advertisements, in this case a number of high level signs have already been permitted and the current proposal would be no different. Moreover, I do not consider that the proposed signage would cause harm for the reasons I have outlined above.
30. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. However, for the reasons set out above, I consider that the proposal would not cause harm to amenity and would preserve or enhance the character or appearance of the CA.

Conditions

31. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. In addition to the standard commencement condition, one that requires the development to be undertaken in accordance with the approved plans is necessary in the interests of certainty. A condition which requires the external surfaces to match those of the existing building is necessary in order to ensure a satisfactory appearance to the proposed development.
32. The Council have suggested a condition restricting the hours within which certain building works can take place. However, I have been provided with limited evidence to explain why such a condition would be necessary given the limited scope of the works in this instance. I have, therefore, not imposed this condition.

Conclusions

33. For the reasons given above I conclude that the appeals should be allowed.

L J O'Brien

INSPECTOR