



Appeal Decisions

Site visit made on 28 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal A Ref: APP/X5990/Z/21/3285465

15 Henrietta Street, London WC2E 8QG

- 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 Big Mamma Group against the decision of City of Westminster Council.
 - The application Ref 21/04539/FULL, dated 15 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the installation of an awning to shopfront.
-

Appeal B Ref: APP/X5990/Z/21/3285466

15 Henrietta Street, London WC2E 8QG

- 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 Big Mamma Group against the decision of City of Westminster Council.
 - The application Ref 21/04540/ADV, dated 15 June 2021, was refused by notice dated 26 August 2021.
 - The advertisement proposed is '1 no. internally illuminated "OSTERIA PIZZERIA" lettering fascia signs (0.445m x 5.03m) and 1 no. internally illuminated menu box (0.54m x 0.34m)'.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed insofar as it relates to 1 no. internally illuminated "OSTERIA PIZZERIA" lettering fascia signs (0.445m x 5.03m). The appeal is allowed insofar as it relates to the menu box and advertisement consent is granted for 1 no. internally illuminated menu box (0.54m x 0.34m) at 15 Henrietta Street, London WC2E 8QG in accordance with the terms of the application 21/04540/ADV, so far as relevant to that part of the development hereby permitted. 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. The description of the application was originally submitted as 'Installation of awning to shopfront approved ref: 21/00181/FULL and associated advertisement'. The Council altered the description to separate the planning application from the advertisement consent, and this is reflected in the banner above.
4. As these two elements require separate consents under different consenting regimes, they are the subject of separate appeals. I have corrected the minor spelling mistake in the original description.

5. I noted during my site visit that signage had already been installed at the property. Having considered the plans I am satisfied that the signage that is in place does not entirely reflect that which is shown on the plans submitted with the appeal. It is also clear from the evidence before me that the Council did not consider the application retrospectively. I have therefore dealt with Appeal B on the basis of the plans submitted.

Main Issues

6. With regard to Appeal A, the main issue is the effect of the proposed development on the character and appearance of the area and the Covent Garden Conservation Area (CGCA).
7. With regard to Appeal B, the main issue is the effect of the development on the amenity of the area and the CGCA.

Reasons

8. The property is a 4-storey red brick built double fronted building which forms a section of the terrace on the south side of Henrietta Street and lies within the CGCA. An awning, fascia signage and illuminated menu box are proposed on a shop front on a property which forms one half of the ground floor of the building which is currently in use as a restaurant.

Appeal A

9. The shopfront itself is a recent replacement but nevertheless makes a positive contribution to the character of the CGCA. The awning box would be located below the fascia board across both the shop front and adjacent doors. It is evident from the plans supplied that the housing for it would not be recessed into the shopfront façade and would sit proud of the building frontage. The proposal would therefore appear as an awkward and inappropriate addition to the shopfront and adjacent doors, which would be especially noticeable when the awning is retracted.
10. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area (CA). In considering the effect on of the proposal on the CGCA the impact must be weighed against the harm it would have on the heritage asset.
11. I have not been provided with any information from either party with respect to the significance of the CGCA. However, from my observations, its significance is largely derived from the historical development of the area around Covent Garden Piazza which contains the market hall and St Paul's Church. The area contains a range of building ages and styles reflecting the historical development of the area.
12. Policies 38, 39 and 40 of the Westminster City Plan (WCP) (2021) are relevant to the appeal. Amongst other matters, these policies seek to ensure that development is of a high quality and where it is proposed in a CA it should contribute positively to the significance of the CA and its setting. Alterations which are not in keeping with the existing buildings can have a harmful effect on the character and appearance of the CA.

13. The proposal would introduce a form of development which does not respect the architectural features of the host building. I do not agree with the appellants assertion that the awning would appear secondary and subservient to the host building. Furthermore, it would not visually balance the adjacent door, rather it would obscure the fanlight and other architectural features when extended. Therefore, it would not preserve or enhance the CA and consequently, it would be harmful to the CGCA. The harm to the CGCA as a whole, however, would be less than substantial.
14. Paragraph 202 of the National Planning Policy Framework (the 'Framework') states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. I have not been presented with any public benefit which would be gained from the installation of an awning. Accordingly, there is nothing which I can take into consideration which would outweigh the harm derived from the proposal.
15. I therefore find that the proposal would have an unacceptably harmful impact the character and appearance on the appeal property and would therefore fail to preserve or enhance the character or appearance of the CGCA. As such it would be contrary to WCP Policies 38, 39 and 40. Furthermore it would be contrary to the advice set out in the Westminster Shopfronts, Blinds and Signs Design Guide (1993) which recommends that mechanisms and fixings should not obscure any architectural detailing and should be recessed into the fascia of the host building.

Appeal B

16. The proposal consists of fascia signage made up of individually illuminated neon lettering and an internally illuminated metal menu box fixed to right-hand side of the shopfront reveal.
17. Whilst shopfronts and signage within the locality are not entirely uniform in their appearance, there are no other similar internally illuminated neon fascia signs in the street or surrounding streets. As such the advert and its method of illumination would depart from the prevailing style and appearance of shopfront signage and hence would appear incongruous and out of keeping with the host building and its surroundings. Furthermore, it would be a gaudy and harsh addition to the street which is unsympathetic to both the host building and the street scene.
18. The menu box, however, would be more appropriate to its surroundings and such features are commonplace on the street and in the wider CA. As such it would not appear incongruous or out of keeping on the host building or in the street scene. As this element of the proposal is easily severable from the fascia signage a split decision on the appeal would be appropriate.
19. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving or enhancing the character or appearance of a CA. The Framework states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the significance can be harmed or lost through development within its setting.

20. In considering the effect on of the proposal on the CGCA as detailed above, the impact must be weighed against the harm it would have on the heritage asset. Signage in this part of the CA tends to consist of non-illuminated painted sign written lettering and where illuminated discreet external lighting units are utilised. Any neon signage visible from the street tends to be located inside buildings so as not to over dominate the façade of the building.
21. I therefore conclude that the internally illuminated fascia signage element of the proposal would be unacceptable in visual amenity terms harming the character and appearance of the CGCA. Insofar as they are a material consideration, I have taken into account WCP policies 38, 39 and 40 which together seek to ensure that development is of a high quality and appropriate to its location. It would also be contrary to the advice set out in the Council's Advertisement Design Guidelines (1992) which discourages the use of excessive overpowering advertising and advises that within CAs illuminated signage should be well related to the building which it is to be located on. As I have concluded that the fascia sign harms amenity, it therefore conflicts with these policies. As I have found that the menu box does not harm the amenity of the area, it is in conformity with the policies and would not unacceptably harm the character or appearance of the CGCA.

Other Matters

22. I do not have precise details of examples cited by the appellant or indeed what consent they do or do not benefit from. In all cases, however, the awnings differ from the proposal before me in that they appear to be integrated into their fascia and relate well to the architectural features of the buildings they are installed on. The existence of similar features in other city centre locations does not, in any event, equate to the acceptability of the awning and signage in the location before me and does not persuade me that the proposal is appropriate for this location. None of these factors outweigh the harm to the visual amenity of the area that I have found in this case.
23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
24. The terrace which forms the north side of the street contains a number of buildings which are all grade II listed (Alginat House, 23 and 24 Henrietta Street, St. Peters Hospital, 30 Henrietta Street and lamp standards numbered 1-5). Nos 3 to 10 on the south side of the street are also grade II listed, as well as Nos 14-16 and 17-19 Bedford Street. The significance of the setting of the buildings is formed by the CA and their historical development. The Council does not consider that the proposal would have any adverse impact on the setting of these buildings, and I have no reason to disagree. Having considered the setting of these heritage assets I conclude that the proposals would not adversely affect their setting.
25. I note the concerns of objectors regarding the neon lighting within the shopfront itself, other lighting which has been fixed to the front of the property and rope barriers placed on the pavement. These are not matters which are the subject of this appeal and therefore I cannot take them into consideration.

Conditions and Conclusion

Appeal A

26. For the reasons given above and taking the development plan as whole and all other material considerations into account, I conclude that the appeal should be dismissed.

Appeal B

27. For the reasons given above, the display of the internally illuminated fascia sign would be detrimental to the interests of amenity and should therefore be dismissed. However, for the reasons given above the display of the menu box would not be detrimental to the amenity of the area and therefore insofar as the appeal relates to this appeal it should be allowed. In doing so I note that no non-standard conditions have been proposed and I consider that none are necessary.

Katherine Robbie

INSPECTOR