



Appeal Decision

Site visit made on 23 March 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2022

Appeal Ref: APP/X5990/W/21/3285321

55A St Johns Wood High Street, London W8 7NL

- 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 Ahmad Mehri against the decision of City of Westminster Council.
 - The application Ref 21/02884/FULL, dated 10 August 2020, was refused by notice dated 15 July 2021.
 - The development proposed is for matter of hygiene a standard glass door has been installed in line with shop to secure the gap.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed during my site visit that the proposal had been constructed. However, the Appeal Form and appellant's Statement of Case both refer to replacement of the glass door with a hardwood door, like that found at No 63. This did not form part of the original planning application. Having regard to the Wheatcroft principles¹, I am conscious that the appeal process should not be used as a means to progress alternatives to a refused proposal. In the interests of fairness and natural justice, I consider that interested parties in particular would be prejudiced if I were to consider the proposed amendment. My findings therefore relate to the scheme as determined by the Council.

Main Issue

3. The main issue is the extent to which the proposed development would preserve or enhance the character or appearance of the host building and the St John's Wood Conservation Area.

Reasons

4. The appeal concerns the entrance to the upper floors of a mid-terrace building situated to the west of St Johns Wood High Street, within the St John's Wood Conservation Area (CA). This covers the majority of the St Johns Wood area of the city, north of Regent's Park. The High Street features a mix of retail and commercial uses at ground and upper floors. Despite the differing approach to the appearance of the buildings in the street, one of its strong characteristics is the separate nature of the accesses to upper floors, which are marked by doors recessed behind a deep threshold set back from building frontages, including adjacent shopfronts. While further doors have been added at the frontage to

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

some of the thresholds, the majority remain and the regularity of these punctuations in the building line creates harmony and rhythm within the street scene and breaks up the plane of shopfronts. This contributes positively to the special character and appearance of the CA, which informs its significance.

5. Aside from their opaque finish, the glazed door and fixed light above it, installed to the entrance to the upper floors of No 55, reflects the appearance of the large areas of glazing associated with the shopfront. This lacks the detailing and definition found in other nearby shopfronts in the high street, so it makes a negative contribution to the character and appearance of the street scene and CA. The appearance of the proposal and its infilling of the threshold therefore adds to the visual dilution of the quality of the building at street level and the contribution it makes to the rhythm and quality of the wider street scene and CA.
6. The significance of a conservation area is widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given that the proposal is adjacent to the footway in St Johns Wood High Street, it would be of such prominence that it would be harmful to the character and appearance of the CA.
7. The statutory duty in Section 72(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) is a matter of considerable importance and weight and paragraphs 197 and 199 of the Framework are also of paramount importance. The proposal would be harmful to the special character and appearance of the CA, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to this significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
8. The appellant has suggested that the threshold behind the glazed door was used by patrons of nearby public houses as a toilet, which was a hygiene issue for the appellant's business. It is unclear whether this is a problem that manifests in other thresholds within the street and, while the appellant claims that others have installed doors for this reason, there is no substantive evidence before me to suggest this was the case, or that these benefit from permission and other deterrents and approaches have been explored or would be equally effective. As such, the proposal would only amount to a public benefit of limited weight.
9. Taking the above together, the public benefits I have outlined above would not justify allowing works that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
10. In light of all of the above, I conclude that the proposed development has an unacceptably harmful effect on the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the St John's Wood Conservation Area. Hence, the proposal would fail to satisfy the requirements of the Act and would conflict with the design and heritage aims of Policies 38, 39 and 40 of the City Plan 2019-2040 (April 2021).

Conclusion

11. For the reasons given above I conclude that the appeal should not succeed

Paul Thompson

INSPECTOR