
Appeal Decisions

Site visit made on 7 September 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th September 2022

Appeal A: APP/X5990/W/22/3294082

17 Manette Street, London W1D 4AS

- 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 Simmons Bars against the decision of City of Westminster Council.
 - The application Ref 21/08030/FULL, dated 24 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is shopfront alterations and replacement signage.
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Appeal B: APP/X5990/Y/22/3294086

17 Manette Street, London W1D 4AS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Simmons Bars against the decision of City of Westminster Council.
 - The application Ref 21/08031/LBC, dated 24 November 2021, was refused by notice dated 12 January 2021.
 - The works proposed are shopfront alterations and replacement signage.
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Appeal C: APP/X5990/H/22/3295414

17 Manette Street, London W1D 4AS

- 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 Simmons Bars against the decision of City of Westminster Council.
 - The application Ref 21/08033/ADV, dated 24 November 2021, was refused by notice dated 12 January 2021.
 - The works proposed are display of one illuminated fascia sign and one projecting sign.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.
3. Appeal C: The appeal is dismissed.

Preliminary Matters

4. This decision relates to three separate appeals. However, as they are all related to 17 Manette Street and have common issues, I will deal with them in one decision letter.

5. The description of development as set out in the banner heading is taken from the application forms. I note that it was amended slightly in the decision notices such that the alterations to the shopfront, which require both planning permission and listed building consent, include external heaters, CCTV, and alarm box. I have taken these elements into account in my decision. The listed building refusal notice also refers to an awning. However, I note that no awning is proposed as part of the scheme.
6. The proposal applied for has already been carried out. I have dealt with the appeals on that basis.

Main Issues

7. 17 Manette Street is a grade II listed building which lies within the Soho Conservation Area. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that in considering whether to grant listed building consent, or planning permission for development which affects a listed building, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, s.72(1) of the Act requires that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area.
8. The main issues in this case are, therefore, whether the proposal would preserve the listed building and any special interest it possesses, and linked to that, whether the proposal would preserve or enhance the character or appearance of the Soho Conservation Area.

Reasons

9. Nos 16 and 17 Manette Street form a pair of former houses with shop units at ground floor level and date from the early to mid 18th century. The building's significance as a heritage asset lies in its age, evidential value in terms of the history of the development of the city, and its architectural detail. The building is four stories high with simple, regular fenestration and a brick facade. Whilst there have been some changes to the front elevation, original features and detailing are still apparent.
10. The character of the Soho Conservation Area is derived in part from its social and cultural value as well as from the activity within it. The area around to the site comprises a range of town centre commercial, retail and leisure uses with good transport links to other parts of the city. Accordingly, although No 17 is on a quieter road off Charing Cross Road, the area has a vibrant character. Its appearance is informed by a mix of buildings of various ages, designs and sizes. Within that context, the special interest of the appeal building, particularly its modest scale and partly domestic appearance which contrasts with the larger commercial buildings around it including a substantial new building opposite, makes a positive contribution to the significance of the conservation area.
11. The shopfront that forms the subject of this appeal comprises a deep fascia tiled in red tiles which extends either side and below the shopwindow and around a separate entrance door. The fascia sign is a gold neon light tube which is some 3m wide x 0.59m high. The projecting sign is a circle some 0.6m

in diameter which aligns with the fascia sign. Two internally illuminated advertisements set within Perspex boxes inside the shop window are each around 1m wide x 1m high.

12. The City of Westminster 'Shopfronts, Blinds and Signs' Supplementary Planning Document (SPD) recognises that there needs to be adaptability and flexibility in shopfront design in order to respond to the rapidly changing market and consumer pressures. In that respect it is clear that the appellants have sought to modernise and rebrand the unit which is used as an entertainment venue. However, the SPD recognises that the architectural integrity of individual buildings and groups of buildings can be destroyed by insensitive shopfront design.
13. As a result of its colour and finish, the applied red tiling has a strident appearance that jars with, and appears dominant against, the modest brickwork and fenestration of the upper floors of the building and fails to respect its architectural integrity. Accordingly, the shopfront both distracts and detracts from, rather than preserves, the significance of the heritage asset and the ability to appreciate it.
14. Whilst the style and appearance of the fascia sign relates well to the use of the unit, its size, scale and gold neon colouring lacks subtlety against the red tiling and as such it adds to the dominance of the frontage read as a whole. Similarly, the projecting sign, whilst proportionate in terms of its size and position on the building, the internal signage and the smaller elements- the cctv units, heaters and alarm box, add to the plethora of clutter and cumulatively distract from the modest appearance of the building.
15. It is clear from the evidence before me that neither the pre-existing shopfront, nor the one in-situ before that, were not original. Nevertheless, whilst also red in colour, the previous shopfront was of a more restrained character and materials than that now before me, and moreover did not dominate the building to such an extent. The signage also appears to have been more discreet and less cluttered. Accordingly, the previous frontage does not justify the proposal before me.
16. I acknowledge that the ground floor of the listed building is likely, because of its use, to have traditionally had a more vibrant character than the upper residential floors. However, the present shopfront and signage, for the reasons set out above, dominates and detracts from the domestic appearance of the upper floors of the building. Similarly, whilst the area around Charing Cross Road has a lively commercial character at street level with a wide variety of signage, given the listed building makes a positive contribution to the character and appearance of the conservation area, the harmful alteration to the special interest of the listed building as in this case, also causes a limited degree of harm to the significance of the conservation area.
17. Moreover, it is not unusual to find listed buildings in a commercial use within vibrant areas of the city and it seems to me that much the same benefit from upgrading the previous frontage, in terms of attracting custom, could be secured by a shopfront and signage that caused no harm to the special interest, or significance, of the listed building.

18. My attention has been drawn to appeal decisions relating to a blue coloured tiled shopfront and signage at commercial premises in Leicester Square¹. I do not have the full details of those cases before me but from what I have read, the shopfront in that case is less extensive in terms of the area it occupies than that before me. Moreover, the building does not appear to be a listed building. Accordingly, whilst I acknowledge the similarities between the schemes, I am unconvinced the cases or the determining issues are directly comparable.
19. For the reasons outlined above, the shopfront and signage causes harm to the special architectural and historic interest of the listed building and thereby its significance. In addition, the proposal fails to preserve or enhance the character or appearance of the conservation area. Accordingly, the proposal does not meet the weighty statutory requirements of the Act.
20. As the proposal relates to one building in a conservation area and to advertisements that are of a temporary nature, the harm caused to the heritage assets would be less than substantial. Paragraph 134 of the national Planning Policy Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
21. I have taken into account the appellant's concerns that without adequate signage the business could risk business failure and ultimately closure. I do not doubt that the signage advertises the presence of the premises, which is located away from the main thoroughfare, and thereby attracts custom. I also acknowledge that the continued use and thereby investment in the listed building is a public benefit. However, there is no specific evidence before me relating to the viability of the business or the attractiveness of the unit to other potential investors and, as set out above, I am unconvinced that the same benefit could not be achieved by more appropriate works. Accordingly, this matter carries limited weight.
22. Consequently, the benefits of the scheme do not outweigh the harm caused to the designated heritage assets as outlined above, to which significant weight must be given.
23. For these reasons the shopfront and signage is contrary to Policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) and Policy 1 of the Soho Neighbourhood Plan 2019-2040 (adopted September 2021) which in various ways seek to ensure heritage assets are conserved and enhanced in a manner appropriate to their significance; respect, protect and enhance the character of the Soho Conservation Area, including by having particular regard to the materials and detailing of facades in order to respond to Soho's distinctive architecture and styles.
24. For these reasons, and taking into account all other matters raised, the appeals are therefore dismissed.

Susan Ashworth

INSPECTOR

¹ APP/X5990/H/3292300 and APP/X5990/W/22/3292297