



Appeal Decisions

Site visit made on 28 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal A Ref: APP/X5990/W/22/3301489

4 Lauderdale Parade, Lauderdale Road, London W9 1LU

- 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 Davood Najafloo of Antika Ltd against the decision of City of Westminster Council.
 - The application Ref 21/08370/FULL, dated 7 December 2021, was refused by notice dated 12 May 2022.
 - The development proposed is installation of new shop front with bi-folding doors and retractable awning.
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Appeal B Ref: APP/X5990/H/22/3301488

4 Lauderdale Parade, Lauderdale Road, London W9 1LU

- 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 Davood Najafloo of Antika Limited against the decision of City of Westminster Council.
 - The application Ref 21/08372/ADV, dated 8 December 2021, was refused by notice dated 12 May 2022.
 - The advertisement proposed is erection of externally illuminated fascia signage.
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Decisions

1. **Appeal A** is allowed, and planning permission is granted for installation of new shop front with bi-folding doors and retractable awning at 4 Lauderdale Parade, London W9 1LU in accordance with the terms of the application, Ref 21/08370/FULL, dated 21 March 2022, and the plans submitted with it, subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan Black/White; Front Elevation; Back Elevation; Proposed Front Elevation.
2. **Appeal B** is allowed, and express consent is granted for the display of the display of externally illuminated fascia signage 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. The Council altered the description of *Appeal A* to include reference to the retractable awning. As this is a more accurate description of the proposal before me, I have adopted this description in the banner and the decision above.
4. I observed on my site visit that bi-folding openings, a retractable awning and fascia signage have been installed at the appeal property. I have dealt with the

appeal on the basis that development has already been carried out and planning permission and advertisement consent are being sought in accordance with the drawings submitted.

Main Issues

5. The main issues in relation to *Appeal A* are:

- whether the proposed development would preserve or enhance the character or appearance of the Maida Vale Conservation Area; and
- the effect of the proposed development on the living conditions of existing occupiers of neighbouring properties with particular regard to noise and disturbance.

6. The main issue in relation to *Appeal B* is:

- the effect of the advertisement on the visual amenity of the area with specific regard to the Maida Vale Conservation Area.

Reasons

7. The appeal site lies within the Maida Vale Conservation Area (MVCA). The significance of which is derived in part due from its distinctive residential development of Victorian and Edwardian mansion blocks and the tree lined streets. Lauderdale Parade is a short block of around twelve commercial units with two storeys of residential accommodation above. It is sited at the junction of Lauderdale Road and Castellain Road where they intersect with Elgin Avenue, one of the principal roads in the MVCA. The block has a distinctive Arts and Crafts character and is typical of the area. The Council consider it to be a non-designated heritage asset.

Appeal A

Character and Appearance

8. Shopfronts along the Parade are mixed in appearance. Several have deep fascia and stallrisers are absent from numerous units. Approximately half of the units along the Parade have retractable awnings, a number of which are externally mounted. There is no apparently coherent theme or design feature which presents any specific uniformity to the shopfronts. Nevertheless, the terrace retains many attractive features, particularly at the upper floors and as such it makes a positive contribution to both the character and appearance of the MVCA.
9. The Council's Shopfronts, Blinds and Signs design guide (1993) recommends that the quality of traditional shop fronts should be considered before their replacement and that replacements should respect traditional proportions. It also recommends that mechanisms and fixings for retractable awnings should not obscure any architectural detailing and should be recessed into the fascia of the host building.
10. I appreciate that aluminium bi-fold openings are not a traditional feature of the MVCA, and I am mindful the plans show that they have replaced a more traditional shop front, albeit not completely original in its detailing. Nevertheless, a number of the original features of the shopfront including the granite pilasters and decorative console bracket remain in place. The

proportions and position of the replacement entrance door and openings created by the bi-folding doors are consistent with a traditional shop front. The shopfront therefore does not look out of place in its surroundings and does not detract from the character and appearance of the parade within which it is situated.

11. The awning is set beneath the fascia sign and whilst the housing is not recessed into the shopfront façade it is discretely positioned beneath the decorative console bracket above the pilaster. It is appropriate to the character of the area and in keeping with others on the Parade. Given the proximity of other similar awnings along the Parade it would not appear incongruous or out of keeping in this respect and I do not share the Council's concerns regarding this. I note that that Council is concerned about the inclusion of an externally mounted shutter box. The plans before me do not contain any reference to shutters. I therefore do not share these concerns.
12. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the decision maker 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 MVCA the impact must be weighed against the harm it would have on the heritage asset.
13. The limited scale of the development and the retention of traditional shopfront features and proportions does not result in harm to its surroundings or to the special interest of the MVCA as identified above. Rather, it results in a neutral effect on the character and appearance of the MVCA as a whole, which would be preserved.
14. I therefore conclude that the development does not cause harm to the character and appearance of the appeal site or its surroundings, with particular regard to the character and appearance of the MVCA. As a result, it does not conflict with Policies 38, 39 and 40 of the Westminster City Plan 2021 (WCP) which, amongst other things, seek to ensure that development is of a high quality and heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Living Conditions

15. The appeal property is located in a terrace of commercial units close to a busy junction of two principal roads in the area. There is another short row of commercial units on Castellain Road close by. There are residential properties directly above the commercial units and opposite are the rears of mansion blocks which front onto Elgin Avenue.
16. The Council and neighbouring residents are concerned that the bi-fold openings on the front elevation, would when open, lead to disturbance from noise escaping from the restaurant. The potential for disturbance would be most likely during the summer months when the bi-folds and windows of nearby properties are more likely to be open.
17. Lauderdale Road, Castellain Road and Elgin Avenue are busy thoroughfares and the commercial units on Lauderdale Parade and Castellain Road provide a focus for activity in the area. As such, the vicinity is subject to a relatively high level

of footfall and traffic with the associated hustle and bustle of pedestrian and vehicle noise throughout the day and evening.

18. Background noise levels in the area are likely to be comparatively high from traffic noise and general comings and goings in an urban setting and at least five of the other units along the terrace have outdoor seating similar to that at the appeal property, albeit without bi-fold openings in their shopfronts. Nevertheless, customers are likely to be eating and drinking on the forecourts creating the type of noise that the concerns the Council.
19. I have not been provided with any substantive evidence that the Council have received complaints relating to noise and disturbance from the appeal premises when the bi-fold doors are open. The appellant asserts that the installation of the shopfront has reduced the noise transmitting from the premises. However, I have not been presented with any substantive evidence to support this claim. Nevertheless, I have no reason to consider that noise from the premises is excessive and would be exacerbated to unacceptable levels through the opening of the bi-folds.
20. As such, it is unlikely that noise associated with the operation of the premises as a restaurant when the bi-folds are open would be readily distinguishable from the existing noise character of the premises during the restaurant opening times. Thus, I am satisfied that the effect of the proposals would be within the 'no observed adverse effect level' in the terms of the Planning Practice Guidance (PPG) advice on noise and therefore, not cause undue noise and disturbance to neighbouring residents.
21. There is particular concern as the premises has a licence which allows music to be played. A condition of which is that music is not audible outside the premises. Representations made are concerned that the licence conditions would not be complied with. This is a matter for legislation beyond my control, which is concerned with the planning merits of the proposal. I have therefore given little weight to this matter.
22. I conclude that the development would not result in harm to the living conditions of existing occupiers of neighbouring properties with particular regard to noise and disturbance and therefore would not conflict with WCP policies 7 and 33 which, amongst other things, seek to protect the amenity of residents.

Appeal B

23. The signage is already in place. The appearance of signage within the Parade varies. Some are smaller and some larger, particularly in terms of height and there is no coherent theme to the materials utilised or approach to signwriting. Most of the fascia signage along the Parade is illuminated in a similar manner to that on the appeal property. Despite these variations, the overall appearance of the shopfronts here is attractive.
24. The fascia sign is broadly similar in size to others close by. It is made of aluminium, which is not considered by the Council to be an appropriate material. However, other fascia signs are made of similar materials and have a similar appearance to the proposal before me. The appeal scheme does not appear either out of keeping or significantly out of proportion in relation to the shopfront or the front elevation of the building. It is appropriate in terms of

width; its depth is not excessive and the traditional console brackets remain intact on either side of the sign.

25. I can see from photographs submitted that the fascia sign has replaced one which was deeper in profile. In that respect the current signage is more appropriate in proportion and detail. The matt black finish with gold lettering is restrained in appearance. Whilst the lettering is larger than some along the Parade, it is in proportion to the fascia and does not appear cluttered or out of character with its surroundings.
26. The sign is externally illuminated, and a photograph demonstrates that the lighting projected onto the sign is subtle and directed towards the lettering. As noted above illumination along the Parade is not unusual, and in that respect the signage is not inappropriate in its appearance.
27. Having viewed the signage in daylight hours, I am satisfied that it is not incongruous, or unduly prominent and is of a size and design appropriate to the host building. Accordingly, it has not caused any significant harm to the visual amenity of the area and the character or appearance of the MVCA has been preserved.
28. Consequently, the signage is acceptable in visual amenity terms and does not conflict with WCP policies 38, 39 or 43 G) which together seek to ensure that development is sensitively designed and appropriate to its location.

Other Matters

29. I have considered representations which refer to the retrospective nature of the appeal, and to the use and operation of the premises. These are not, however, matters which are relevant to my consideration of the appeal which is for the installation of bi-fold doors, an awning and signage. I have assessed them on their own merits, having regard to the setting thereof in the MVCA, which must be assessed solely on its planning merits.

Conditions

30. The Council have not requested that any other conditions for planning permission for the shopfront scheme be imposed, and since the development has been carried out, I have only imposed a condition, for enforcement purposes, setting out the approved plans as they relate to the planning permission that has been granted.
31. In respect of the consent for the fascia signage, no non-standard conditions have been proposed and I consider that none are necessary.

Conclusion

32. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that both Appeal A and Appeal B should be allowed.

KL Robbie

INSPECTOR