



Appeal Decision

Site visit made on 11 April 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2023

Appeal Ref: APP/X5990/W/22/3307402
82 Duke Street, London W1K 6JF

- 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 Cubitt House Limited against the decision of City of Westminster Council.
 - The application Ref 22/03016, dated 5 May 2022, was refused by notice dated 7 September 2022.
 - The development proposed is SIGN E - 5x NEW 30w LED FLOODLIGHTS, SIGN F - 5 x NEW BLACK OUTDOOR HEATERS & SIGN G - 3 x NEW LANTERNS.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the application form appears to be incorrect. That in the banner heading above appears to relate to the correct site and was included on the Council decision notice and the appeal form.
3. The description of the proposal has been amended from the application form to the decision notice. That on the Council decision notice 'Installation of 5 LED floodlights; 5 outdoor heaters; retractable awnings and 3 lanterns' appears to be a significantly clearer and more accurate description of the proposal and includes all elements of the proposal. I have considered the proposal on this basis. The scheme relates to an application for planning permission rather than signage.
4. At the time of my site visit there were a number of lanterns in place that had a resemblance to those shown on the plans. They were however not placed on the building in line with the positioning shown within the evidence. For the avoidance of doubt my assessment has been made on the basis of the submitted plans.
5. Although it is indicated that similar features to those within this application have previously been in place at the premises, they were not in place on the building at the time of my visit.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the Mayfair Conservation Area (the Conservation Area).

Reasons

7. This part of the Conservation Area comprises largely of well-established often commercial buildings finished in traditional materials including brick and stone, of established and attractive appearance. The form, scale, materials and detailing of these buildings are defining features of its character and appearance.
8. The building is in four storeys with mansard above. It is faced in red brick with stone embellishments. The shopfronts at ground floor level are traditional arched timber units sitting between stone columns. It is an attractive building with strong and uncluttered ground floor frontages, and it sits within in a prominent position with wide visibility by reason of its dual frontage and corner position. It makes a positive contribution to the character and appearance of the Conservation Area.
9. When taken as a whole, the proposal would see the introduction of a number of items which would, in combination, clutter the appearance of the simple and attractive ground floor facades of the building. The awnings would not appear to be formed of a more appropriate slim, traditional, and subtle design and would detract from views of the arched ground floor windows.
10. The materials and design would subsequently detract from the appearance of the property. The proposal would detract from the heritage significance of the Conservation Area which lies in part with the form, scale, materials and detailing of its buildings.
11. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the Framework¹ requires such harm to be weighed against any public benefits of the proposal.
12. There would be public benefits associated with the proposal which would in the main appear to relate to the provision of an improved outdoor sitting area for customers.
13. However, given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, such benefit is not sufficient to outweigh this harm.
14. The proposal would subsequently conflict with policies 38, 39 and 40 of the Westminster City Plan (2021) and policies MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan (2019), which broadly require well designed schemes that protect heritage assets.

Other Matters

15. I have been provided with details on advertisements and features on other buildings within the local area. The character and appearance around the appeal site is substantially different to Oxford Street and therefore comparability between any advertisements there and what would be suitable for this building is limited.
16. I appreciate that there are many premises incorporating awnings. Those on Mount Street by and large are of traditional design, materials and form therefore comparability is limited. Others are placed on buildings that do not

¹ National Planning Policy Framework 2021.

share as attractive an appearance or prominent positioning as that before me. I accept that more modern awnings appeared to be on place at Spaghetti House, although the all black colouring as opposed to the dual coloured fabric and white casing limits their comparability. I therefore afford limited weight to those other matters that are before me.

Planning balance and conclusion

17. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR