
Appeal Decisions

Site visit made on 11 April 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal A: APP/X5990/Y/22/3310634

NQ64, 53 Berwick Street, Soho, London W1F 8SP

- 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 Blackdog Bar Group against the decision of City of Westminster Council.
 - The application Ref 22/06231/LBC, dated 13 September 2022, was refused by notice dated 28 October 2022.
 - The works proposed are installation of signage, comprising of 1 no. fascia sign and 1 no. projecting sign.
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Appeal B: APP/X5990/H/22/3310633

NQ64, 53 Berwick Street, Soho, London W1F 8SP

- 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 Blackdog Bar Group against the decision of City of Westminster Council.
 - The application Ref 22/05826/ADV, dated 25 August 2022, was refused by notice dated 13 September 2022.
 - The advertisement proposed is 1 no. fascia sign and 1 no. projecting sign.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The proposal has been carried out. On my site visit I saw that the colour of the internal lights to the signs (purple), differs to that as indicated in the appellant's evidence (white). Nonetheless I have no reason to believe that the signage dimensions and materials differ from those detailed on the submitted plans, and I have dealt with the appeals on this basis.
4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning given that they are related to the same building and have common issues. The appeal site forms part of a listed building, is adjacent to another listed building, and is located within the Soho Conservation Area (the CA). I am therefore mindful of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issues are whether the proposal preserves the significance of the Grade II listed building, known as 133-135 Oxford Street (ref. 1393502), the setting of the adjacent listed building 52 Berwick Street (ref. 1066434) and whether the proposal preserves or enhances the character or appearance of the Soho Conservation Area. Specifically in terms of Appeal B is the effect of the advertisements on visual amenity.

Reasons

6. 53 Berwick Street is a four storey terraced commercial building prominently located within the Soho CA, close to the junction with Oxford Street, a busy area of central London. The significance of the CA, insofar as it relates to this appeal, derives from its vibrant character, and almost continuous terraces of largely three or four storey buildings of mixed ages, scale and design details which are primarily in commercial use. The terraces are arranged on a dense grid road layout, giving it a more intimate character than neighbouring Oxford Street which bounds the northern extent of the CA.
7. The property on which the advertisements have been displayed forms part of a larger building known as 133-135 Oxford Street, which incorporates 53 and 54 Berwick Street and 201 Wardour Street. The Simpson and Ayrton designed Baroque-style building dates from 1911 and was listed relatively recently, in 2009. The tallest and grandest principal elevation of the T-shaped building which fronts Oxford Street is unaffected by the proposal, and Berwick Street is a secondary elevation. Nonetheless, by virtue of its scale, detailing and cast stone clad exterior it remains one of the most imposing and characterful properties on this particular section of Berwick Street, amongst its more modestly scaled three storey brick built and classically styled Georgian and Victorian neighbours.
8. The ground floor of the building lacks an active frontage to Berwick Street and any former shopfronts and doors appear to have been removed. Instead, it comprises unglazed doors within a black painted and boarded façade. The list description notes that 'modern shop fronts and ground floor interiors are not of special interest'. Notwithstanding the alterations, the surviving second entrance to the building with its semi-circular moulded surround (also mentioned in the list description) remains legible, and the special interest of the building as a whole makes a positive contribution to the character and appearance of the CA.
9. The signs are set within the altered frontage, constructed from aluminium and acrylic. They are relatively small in scale, but their bulk, shape and materials, particularly that of the fascia sign, jar with the historic and architectural features which remain on the face of the building. The overtly modern display is incongruous and discordant in juxtaposition with the host building and its neighbours, including the adjoining listed building 52 Berwick Street (no.52), a smaller scale brick building dating from the 18th Century and surviving as an early example of a residential property in the area albeit with a 20th Century timber shopfront.
10. I acknowledge that the appeal property does not have a typical shopfront on which traditional signage could be applied, and I saw that much of the frontage is cluttered with extraction louvres and security measures. Nonetheless the positioning of the advertisements lacks regard to the architectural features of

the building, including its original stone fascias. The unsympathetic works already carried out to the frontage do not in themselves justify signage which does not preserve the special interest of the listed building, nor the setting of the neighbouring listed building at no. 52. In turn, the proposal fails to preserve the character or appearance of the Soho CA.

11. The area in which the appeal site is located is heavily commercialised and I saw several examples of unsympathetic signage, including those put to me by the appellant. I have also considered the appeal decisions put to me by the Council, and I acknowledge the variety styles of signage and use of modern materials in the Soho CA. However given the particular design of the building before me and its listed status, I am not persuaded that those cases referred to are directly comparable. This type of bulky signage appears to be in the minority in Soho, and the existence of any other signs does not justify further poorly designed and sited signage to the detriment of the character and appearance of the CA and to the special interest of the listed building. Indeed, I saw many more examples of more appropriate signage which respects the character of the buildings on which they are located and that of the CA as a whole.
12. For the reasons outlined above, I find that the signage fails to preserve the special interest of the listed building and the significance of the CA. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or development within its setting, and that any such harm should have a clear and convincing justification. Given the altered appearance of the existing ground floor frontage, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal reflects the occupier's identity and passion for design, and adds interest to an otherwise uninspiring façade. However, these are not public benefits which are sufficient to outweigh the harm that I have identified.
14. Given the above and in the absence of any significant public benefit, I find that the proposal fails to preserve the special architectural and historic interest of the Grade II listed host building and no. 52, and the character or appearance of the Soho CA. This fails to satisfy the requirements of the Act, paragraph 199 of the Framework and conflict with the aims of Policies 38, 39 and 40 of the City Plan (2021) which seek to ensure heritage assets are conserved and enhanced in a manner appropriate to their significance.
15. I would agree with the Council that the advertisements do not adversely affect public safety. In terms of visual amenity, Regulation 3(2)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In accordance with Regulation 3(1), I have taken into account the provisions of the development plan and other relevant factors insofar as

they are relevant in respect of Appeal B. It follows from my conclusions above regarding heritage assets that the proposal is also detrimental to the interests of amenity. The proposal also conflicts with the Council's design guidance¹ together with the design policies within the Framework, in particular paragraph 136 which sets out that poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Conclusion

16. For the reasons given above I conclude that both Appeal A and Appeal B are dismissed.

Susan Hunt

INSPECTOR

¹ Shopfronts, Blinds and Signs – A Guide to their Design (City of Westminster, 2004)