



Appeal Decision

Site visit made on 19 April 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2023

Appeal Ref: APP/X5990/W/22/3306139

101 Basement and Ground Floor, Westbourne Grove, City of Westminster, London W2 4UW

- 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 Moise Zemmour against the decision of City of Westminster Council.
 - The application Ref 22/02071/FULL, dated 25 March 2022, was refused by notice dated 8 June 2022.
 - The development proposed is described as: "The purpose of the proposal is to replace the existing shopfront (window and door) at 101 Westbourne Grove with the traditional style shopfront shared by other retailers in the immediate area. The plain awning will be installed above the glass windows."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Westbourne Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
3. At my visit I noted that the works described in the application form comprising the replacement shopfront and installation of an awning have been undertaken. However, the details I observed on site did not fully reflect those shown on the submitted plans. The awning canopy box in situ did not match the detail shown on the plans. In addition, the proposed works to the fascia of the unit above the awning and the installation of new signage had not been undertaken. Notwithstanding that some of these additional works may be subject to separate consent through the Advertisement Regulations¹, consequently I cannot be certain that the development I observed represented its intended finished appearance. I have therefore determined the appeal based on the submitted plans on which the Council made its decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the building, and whether it would preserve or enhance the character or appearance of the CA.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Reasons

5. The appeal site lies on Westbourne Grove, a busy street incorporating tree planting which forms one of the key east-to-west thoroughfares through the CA. Although there are some isolated examples of more modern development, some of a larger scale, Westbourne Grove is formed predominantly of 3 to 4 storey traditional terraced buildings with ground floor commercial uses including shops, cafes and restaurants that open directly on to the street. Several buildings, including that above the appeal site, include familiar traditional features such as sash windows and stucco detailing to window frames. The street is served to the north and south by quieter residential streets of large townhouses and mews developments.
6. From my observations on site, the significance of the CA is derived predominantly from its role as a mixed residential and commercial area that retains a strong degree of original architectural detailing at both ground and upper floor level. Although there are some examples of unsympathetic shop frontages, these do not detract from the value of the many well-designed examples that contribute to the significance of the CA as a whole.
7. Although I was not able to view the pre-existing shop frontage at my visit, I have been provided with photographs as part of the appeal submission. It is clear that this included characteristic details found in many traditional shopfronts including a timber stallriser with panel detailing and cill. Furthermore, this detailing reflected other elements of the host building such as the stucco frames to the upper floor windows.
8. Conversely, whilst the proposed development would include a timber stallriser, it is of a much simpler design that does not include some of the former key elements of detail. When combined with the extensive frameless glazed entrance doors, the development would appear as an uncharacteristic contemporary addition to the building that does not reflect the intrinsic character or appearance of the host building or the CA.
9. The awning would be housed externally above the front glazing. Even when retracted, its metal housing would step notably forward of the building frontage and remain prominent, whether in use or not. The overall effect would be a dominant and disproportionate addition to the front of the building that would not reflect the character of the surrounding area.
10. Whilst I acknowledge that the proposals may have taken inspiration from other buildings in the area, I do not find the examples cited by the appellant to be directly comparable to this appeal proposal, nor have I been provided with details of any relevant planning decisions. I therefore give these comparisons limited weight.
11. Given the above, the proposed development would detract from the contribution made by the host building to the character and appearance of the CA and would result in less than substantial harm to its significance as a designated heritage asset. Accordingly, there is conflict with the statutory test set out in Section 72(1) of the Act. In terms of the National Planning Policy Framework (the Framework), where the harm to the significance of a designated heritage asset would be less than substantial, this needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Framework directs that great

weight should be given to the conservation of designated heritage assets, and although the harm I have identified would be less than substantial, I give considerable importance and weight to this matter.

12. There have been no public benefits identified that would be intrinsically linked to the development proposed. Accordingly, the harm to the significance of the designated heritage asset would not be outweighed.
13. For the above reasons, I conclude that the proposed development would result in harm to the appearance of the building, resulting in less than substantial harm to the significance of the CA that would not be outweighed by public benefits. The proposed development would therefore conflict with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040 (Adopted April 2021), which together seek, among other objectives, for new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture, to ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance, and for development to be sensitively designed having regard to the surrounding townscape. The proposals would also conflict with the guidance in the City of Westminster Supplementary Planning Guidance: "Shopfronts, Blinds and Signs – A Guide to their Design", which provides supplementary guidance relating to the design of shopfronts.

Conclusion

14. The proposed development would fail to accord with the policies of the development plan as a whole and there are no other considerations identified that outweigh this conflict. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR