



Appeal Decision

Site visit made on 21 June 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/X5990/W/22/3313531

2-4 Gateforth Street, City of Westminster, London NW8 8EH

- 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 Ashley Bourne against the decision of City of Westminster Council.
 - The application Ref 22/01077/FULL, dated 18 February 2022, was refused by notice dated 11 October 2022.
 - The development proposed is 'conversion of part of the ground floor of an existing restaurant use to provide two flats comprising, two one-bedroom, (2-person) flats'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would reflect and enhance the role and function of the Church Street/Edgware Road District Centre.

Reasons

3. Policy 14 (Town centres, high streets and the Central Activities Zone) of The City of Westminster City Plan (2021) (CP) requires that proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time. Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy. The policy confirms that all development within the town centre hierarchy will be of a scale, type and format that reflects the role and function of the centre within which it is proposed.
4. Church Street/Edgware Road is identified as a District Centre in the CP. Policy 14 confirms that District Centres will provide a mix of commercial and community uses to meet residents' day to day shopping needs, provide local employment opportunities, and support opportunities for community interaction.
5. The extents of the District Centre identified on Figure 15: Town Centre Hierarchy include the appeal building's Gateforth Street elevation as well as other District Centre uses on this street, namely the Lisson Grove Health Centre and the Cockpit Theatre. The host building's ground floor elevations incorporate a visually unifying theme including matching paintwork, similar door designs to both the main and side entrances, as well as canopies on the Gateforth Street elevation which display the restaurant name and logo. Together with the building's prominent corner location and the footfall related to the other uses on Gateforth Street, these factors persuade me that the

appeal building's Gateforth Street elevation forms part of the District Centre's active frontage.

6. The extent of the street level elevations dedicated to the restaurant use would be very closely contained to the corner of Church Street and Gateforth Street. The provision of independent doors to the flats and the removal of much of the restaurant branding along Gateforth Street elevation would give this elevation of the building an overriding residential appearance. As a result of these factors, the proposal would erode the District Centre's active frontage and unacceptably dilute its commercial character. This squarely conflicts with the requirements of the CP for proposals to reflect the role and function of the District Centre.
7. In addition, I have seen the appellant's evidence in respect of there being four different restaurant occupiers since 2007. I also sympathise with the appellant if the current restaurant business is in rent arrears. However, even if previous and existing restaurants have proved to be unviable, there is no detailed marketing evidence before me to suggest the restaurant unit would be unappealing or unsuitable for a District Centre business in the longer term, whether that be for a restaurant or other commercial or community use. The proposal would not diversify the offer as a place to shop, work and spend leisure time and this further persuades me that the proposal would not accord with the objectives of Policy 14.
8. I conclude, the proposal would not reflect and enhance the role and function of the Church Street/Edgware Road District Centre and therefore would conflict with the specific requirements in Policy 14 (Town centres, high streets and the Central Activities Zone) of The City of Westminster City Plan (2021).

Other Matters

9. I accept that the design of the external alterations would be sympathetic to the building's architecture. The proposal would also make a modest but positive contribution to the Council's housing provision, albeit this is in the context that there is no evidence before me to suggest that the Council does not have a favourable housing land supply. The potential for future developments in the area to create bespoke ground floor commercial frontages is uncertain in the absence of any detailed approved projects. Overall, these matters therefore carry limited weight in my considerations.
10. The existence of existing residential properties on Gateforth Street does not justify the loss of active frontage that would result from the proposal.

Conclusion

11. The proposal would result in significant harm to the character and appearance of the area and in that regard would not preserve or enhance the CA. The proposal therefore conflicts with the development plan taken as a whole. The other material considerations do not indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR