



Appeal Decision

Site visit made on 22 January 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/X5990/W/23/3328231

Intercon House, 5 Inverness Place, City of Westminster, London W2 3JF

- 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 Steven Marsh, Renatus Property Management against the decision of the City of Westminster Council.
 - The application Ref 23/03633/FULL, dated 31 May 2023, was refused by notice dated 21 July 2023.
 - The development proposed is to extend the existing railings to the front of the property, introducing two new gates and a full redecoration of all previously painted surfaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published 19 December 2023 and updated 20 December 2023. The revisions to the Framework do not however relate to matters of concern raised in this appeal.

Main Issue

3. The main issue is the effect of the proposed gates on pedestrian safety.

Reasons

4. The proposed gates would be approximately 1.4 metres high with an open railing design. They would open outwards over the pavement area in front of the appeal property and include a self-closing mechanism.
5. When open, the proposed gates would occupy less than half of the existing pavement width in front of the appeal property. However, there are existing features within the pavement area in front and near to the appeal property that reduce its width at certain points. This includes two signposts in front of the property and a large street tree close by. Also, further along Inverness Place there are other large street trees occupying part of the pavement. These street features and in particular, the large trees, create pinch points along the footway on approach to where the gates are proposed. Additionally, there are parking spaces within the road in front of the appeal property, which combined with the street features, creates a narrower perception of the footway width along this part of Inverness Place.
6. I observed that Inverness Place experiences a reasonable level of pedestrian footfall, as it provides a link between Inverness Terrace and Queensway, with Bayswater tube station nearby in Queensway. Also, according to the site

history and my observations, the entrance gates would provide joint access to a building which is occupied by multiple dwelling units. Therefore, it is likely that the gates would be opened several times per day by the occupiers and visitors to the properties, albeit for brief time periods on such occasions, due to the self-closing gate mechanism proposed. This would create the potential to unacceptably obstruct the pavement area at times.

7. Therefore, in view of the above, there would be the potential for conflict to occur between the use of the proposed entrance gates and pedestrians using the footway in front. Also, when open, the proposed gates would have the potential to add clutter to the public realm, in an area that already has a number of street features, creating a potential additional hazard to those using the footway.
8. I acknowledge the concerns regarding anti-social behaviour in front of the appeal property, including the noted support for the proposed gates by the Public Protection & Licensing team at the Council and the local police with the implementation of a Community Protection Zone in 2020. However, I do not have any substantive evidence about these matters, nor in respect of the extent of anti-social behaviour that occurs in front of the appeal properties.
9. With regard to the examples of similar entrance gates permitted by the Council at properties along Inverness Terrace, I observed that the footpath area in front of these properties is wider than that in front of the appeal property. Also, 44 & 46 Inverness Terrace have more enclosed porch areas in front, which may be more attractive to people gathering and causing anti-social behaviour. This is different to the more open aspect of the entrance way to the appeal properties.
10. Additionally, based on the information I have been given, it appears that more substantive evidence about the anti-social activities experienced outside 44-46 Inverness Terrace, was provided in that case, compared to that provided for the appeal proposal. This included correspondence in support of the proposal from the Neighbourhood Coordinator and Metropolitan Police.
11. In view of the above, the proposed gates would likely cause harm to pedestrian safety, in conflict with Policy 25 of the City of Westminster City Plan 2019-2040 (adopted April 2021) (WCP), which amongst other matters, requires development to prioritise and improve the pedestrian environment. Also, there would be conflict with Policy 43 of the WCP, which, amongst other things, requires development to contribute to clutter free public realm that is safe, attractive, and accessible to all.
12. Section 153 of the Highways Act was referred to in the Council's decision, however this relates to separate legislation.

Other Matters

13. As the proposal is in the Bayswater Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
14. From what I have seen and read, I consider that the special architectural and historic interest and significance of the Bayswater Conservation Area (CA) as a whole, stems from its uniform and Italianate style of buildings. There is a consistent scale and density of development, and predominant use of stucco.

Where the appeal site is situated within the BCA, there is a strong character of tall terraces, with iron railings around the basement areas and grand porches typically with columns and steps leading thereto. Whilst the appeal property does not have a column porch entrance, it is an attractive tall building, with stucco detailing and iron railings around its basement areas and, also iron balconies at first and second floor level.

15. The design, appearance and materials of proposed gates and redecoration of the railings would be in keeping with the character and design of the existing railings at the appeal building. Accordingly, the important characteristics of the building and features of the surrounding area would not be harmed by the proposed scheme. Given this, the proposal would not be detrimental to the setting of the CA and thus would preserve its significance. The proposal would therefore preserve or enhance the character and appearance of the Bayswater CA and would not conflict with Policies 38, 39 and 40 of the WCP in this regard.
16. Whilst the design of the proposed gates would be of a high standard and would complement the character of the appeal property and surrounding area, this does not outweigh the harm I have identified in relation to the main issue.

Conclusion

17. In view of the above, the proposed development would conflict with the development plan read as a whole. Other considerations, including the Framework, do not indicate that I should make a decision other than in accordance with it.
18. Accordingly, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR