



Appeal Decision

Site visit made on 12 April 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/X5990/W/23/3333252

189 Piccadilly, City of Westminster, London W1J 9ES

- 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 The Change Group International Plc against the decision of the City of Westminster Council.
 - The application Ref 23/05598/FULL, dated 4 August 2023, was refused by notice dated 2 October 2023.
 - The development proposed is alterations to the shop front, including the addition of an ATM.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development from the Council's decision notice, as this is an accurate description that does not include reference to signage that is subject of a separate proposal for advertisement consent¹.
3. Subsequent to the decision made by the Council on the application to which this appeal relates, on 19 December 2023 the Government published the revised National Planning Policy Framework (the Framework). I consider that there have been no major changes relevant to the main issue in this appeal. Therefore, it will not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

4. The main issue is the effect of the proposed development on the effective use and safety of the highway.

Reasons

5. The appeal unit sits on the south side of Piccadilly and is located in the St. James's Conservation Area (the CA), the significance of which rests in its contribution as one of the most well-known townscapes in London, which has developed over numerous centuries and provides a relatively settled townscape. This retains important elements of some of early development, 17th century grid pattern and the later development including Piccadilly and

¹ Planning Ref: 23/05599/ADV

20th century buildings. The CA Audit Appraisal SPG² recognises that shopfronts, including non-original ones of an appropriate design, can be of great importance in contributing to the character and appearance of both individual buildings and the CA and can be of historic and architectural interest in their own right.

6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
7. From my site visit it would appear that the proposed alterations to the shop front have been implemented, with the exception of the insertion of the proposed ATM into the window of the unit. The council concluded that the shop front alterations do not result in harm to the significance of the CA. From my site visit, I see no reason to demur from this conclusion.
8. The appeal unit is located in a part of Piccadilly with a footway approximately 3.55 metres wide, which appears as the narrowest footway in the street. Allowing for the kerb, this affords approximately 3.35 metres of footway, however, as there is sign-post set in from the kerb directly opposite the appeal unit, the available footway for use by pedestrians is more limited. From my site visit, conducted in late morning, it is evident that the footways of Piccadilly can be exceptionally busy, with congestion resulting in pedestrians occasionally using the carriageway to make progress.
9. The Transport for London Pedestrian Comfort Guidance for London Footways (2010) (TfL SPD) sets out that ATMs reduce the width of adjacent usable footway by 1.5 metres when in use. The proposed addition of an ATM within the shopfront of the appeal unit would, therefore, result in a narrowing of the usable footway to approximately 1.85 metres when in use, without taking into account the obstruction of the existing sign-post.
10. The Westminster Way–Public Realm Strategy Design Practice and Principles Supplementary Planning Document (2011) (the WWSPD) sets out a recommended minimum footway width of 2 metres. The proposal would, however, result in a footway restricted to 1.85 of useable width, not allowing for the obstruction of the existing sign-post. Given the existing exceptionally busy footway and existing congestion, this would not meet the needs of pedestrians for footway space to allow for their free flow, without additional use of the carriageway.
11. Given the exceptionally busy nature and width of the footway adjacent to the appeal unit, I find that the proposal would result in greater pedestrian congestion than existing and an increase in the use of the carriageway by pedestrians. This would not only result in additional hindrance to efficient use of the footway by pedestrians when the proposed ATM would be in use but would also result in a situation where they would be more vulnerable to collisions with vehicles.
12. The appellant has set out that queuing for use of the proposed ATM is not expected to be a regular occurrence, based on surveys from another of their ATM locations. However, it follows that the ATM would be more likely to be

² St James's Conservation Area Appraisal Supplementary Planning Document (2002)

used during busy periods in the street and that queuing would also follow this pattern, further reducing the usable footway during these periods.

13. The appellant is of the view that the proposed ATM would spread the demand for ATMs along Piccadilly and the wider local area, thereby reducing demand for individual ATMs and concomitant restriction of footway width in those locations. However, I find that the corollary of this is that the proposed ATM would also divert use from ATMs where footway width and levels of use allow for the free flow of pedestrians, to a location where an ATM would result in additional congestion and concomitant unsafe use of the carriageway by pedestrians.
14. The appellant has drawn my attention to other ATMs permitted in the Council area, including by appeal. Whilst these indicate that it is possible to install ATM's adjacent to footways in central London, including at 15 Piccadilly, I find that the footway widths, levels of use and nature of traffic adjacent carriageways vary between each other, and none appear to fully reflect the circumstances of the appeal unit. These other existing ATMs would all have been considered on their own individual merits, and I have done likewise in my consideration of this appeal, which is a main tenet of the planning system. I have, therefore, only afforded these other examples of permitted ATMs moderate weight in my considerations.
15. For these reasons, I find that the proposal as a whole would result in substantial harm to effective use and safety of the highway. This would not accord with the guidance set out in the TfL SPD and the WWSPD with regard to footways widths, pedestrian flow and safety and would conflict with Policies 25 and 43 of the City Plan 2019-2040 (2021), Policies T1 and T4 of the London Plan (2021) and Section 9 of the Framework. These collectively seek to ensure safe and sustainable transport outcomes.

Conclusion

16. The appeal is dismissed.

Victor Callister

INSPECTOR