



Appeal Decisions

Site visit made on 2 December 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal A Ref: APP/X5990/W/24/3350003

57 Odhams Walk, City of Westminster, London WC2H 9SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Williams against the decision of City of Westminster Council.
- The application Ref is 23/08840/FULL.
- The development proposed is replacement of brick balcony treatment with glazed balustrade.

Appeal B Ref: APP/X5990/W/24/3351560

57 Odhams Walk, City of Westminster, London WC2H 9SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Williams against the decision of City of Westminster Council.
- The application Ref is 24/01852/FULL.
- The development proposed is installation of glazed panel in second floor brick balcony wall at the corner of Neal Street and Shelton Street.

Decision

Appeal A

1. Appeal is dismissed.

Appeal B

2. Appeal B is dismissed.

Preliminary Matters

3. As set out above, there are two appeals on this site. I have considered each on its individual merits. However, in order to avoid duplication, I have dealt with the two schemes together, except where indicated.
4. A revision to the National Planning Policy Framework ('the Framework') was published in December 2024. The amendments did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2024 version.

Main Issue

5. The main issue in both appeals is the effect of the proposals upon the character and appearance of the area.

Reasons

6. Odhams Walk is a substantial, predominantly brick-built development occupying a large site and generally featuring commercial uses at ground floor, with residential uses above. The building varies in height, but is generally around four stories high, with some taller elements.
7. The building has a distinctive and strong architectural style, with a heavy ratio of brickwork to window openings, particularly on upper floors. This lends the building an air of solidity. The flat roofs and largely horizontally aligned windows provide a horizontal emphasis.
8. The appeal site itself relates to a single flat within the development located on a chamfered corner at the junction of Shelton Street and Neal Street. This flat is served by a balcony at second floor level, the low wall of which is of brick construction. A pair of street trees are located in front of this corner of the building, and are stated as providing significant shading to the balcony.
9. At present, the solid wall of the balcony frames the lighter and more heavily glazed design of the shop frontage immediately below. The Council has suggested that the use of solid areas of brickwork for the residential elements of the building was a deliberate choice by the architect in order to provide contrast between the commercial and residential elements.
10. While there is no evidence before me to substantiate this suggestion, it is nevertheless the case that on the whole, there are clear distinctions between the commercial and residential elements of the building. This is evident at this prominent corner location, despite the screening provided by the trees.
11. The proposal subject of Appeal A would lead to the replacement of the brick parapet with a glazed area, whilst that of Appeal B would retain a brickwork surround around a smaller glazed area. In both cases, the introduction of further glazing either into or in place of the existing brickwork balustrade would interrupt the clear balance and design language of the host building, and would appear as unsympathetic additions. The proposals would be particularly harmful due to the location of this corner of the building in a prominent crossroads location despite the presence of the existing trees, the screening value of which is likely to change depending on the time of year.
12. I am aware that other alterations to the building have been carried out, some of which have been granted planning permission. These include areas of high-level reflective glazing on the Neal Street and Long Acre elevations, timber lattice balcony screens, and a glazed balcony on the Shelton Street elevation.
13. However, the circumstances of all of these examples differ from the location of the proposals which are before me. None of the other alterations occupy such prominent corner locations. The glazed balcony on Shelton Street is located directly above the void of the car park access, so is within a different context in terms of solid and void ratios. The area of glazing on Neal Street is located on a relatively narrow street and is not prominent in longer views. There is no detail before me of the circumstances of the timber lattice, and to which I therefore afford only limited weight in my considerations.
14. In addition, given the overall size of the building and distinction between each of the elevations, these cited examples are not visible in their entirety together as a group. As a result, the appeal proposals would be seen, particularly in

longer views, in relative isolation and without the context of these other alterations. Overall, none of the cited examples is of such comparable circumstances in terms of either design or location that they would indicate that the appeal proposals would not result in unacceptable harm.

15. The appeal proposals would lead to harm to the character and appearance of the area. They would be contrary to Policies 38 and 40 of the City of Westminster City Plan. Together, and amongst other factors, these policies state that new development will be of high-quality urban design and that alterations will not disrupt any uniformity, patterns or rhythms of buildings that contribute positively to townscape.

Other Matters

16. It is stated that in both appeals, that the provision of glazing within the balcony wall would provide additional light to the balcony, and would assist with preventing damp. Several representations received from interested parties in support of the appeals highlight this. The provided plans indicate that the only windows serving Bedrooms 1 and 2 look directly out onto the balcony. Windows serving the kitchen and living room also look onto the balcony, although there is an additional window in the Shelton Street elevation which also serves this room.
17. I accept that the existing balcony wall restricts, to some extent, the levels of natural light reaching rooms of the flat. However, the wall is not high and the tall windows serving the flat have access to light from above the wall, albeit this is restricted by the adjacent trees. While the proposals would represent a benefit in terms of improving the living conditions of the occupiers of the flat, in terms of levels of natural light, it has not been shown that the living conditions are currently unacceptable.
18. It is also apparent that the adjacent trees also result in overshadowing and it has not been shown whether the appeal proposals would result in appreciably greater levels of light reaching the balcony in any event. Overall, I consider that the benefits of the proposal in these respects, including a potential reduction in energy usage, do not outweigh the harm to the character and appearance of the area that I have identified.
19. An interested party has indicated that bricks within the building are checked and removed in cases of failure, and that the removal of the brick balustrade would reduce risk of brick failure. However, there is no substantive evidence before me in relation to the condition of the brickwork, of either the balustrade or the wider building. This factor is not, therefore, determinative in my considerations.
20. I am aware that the appeal site lies within close proximity of 34 Shelton Street which is a Grade II listed building and the site is located close to, but outside of the Covent Garden and Seven Dials Conservation Areas. There is no suggestion by either of the main parties that the proposals would lead to harm to the significance of these designated heritage assets, and I have no reason to disagree. As I am dismissing the appeals for other reasons, no harm to the assets could arise from my decision in any event.

Conclusion

21. The proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. I therefore conclude that the appeals should be dismissed.

C Harding

INSPECTOR