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# Appeal Decision

Site visit made on 21 January 2025

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 February 2025**

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**Appeal Ref: APP/X5990/W/24/3354333**

**1 Warwick Street, London , W1B 5LR**

- 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 Maslow's UK Services Ltd against the decision of City of Westminster Council.
  - The application Ref is 24/04669/FULL made on 10 July 2024 and refused on 3 September 2024.
  - The development proposed is described as '*The installations of 4 retractable rooftop awnings to cover the outdoor seating area of the Yasmin Restaurant at 1 Warwick Street.*'
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## Decision

1. The appeal is allowed and planning permission is granted for *The installations of 4 retractable rooftop awnings to cover the outdoor seating area of the Yasmin Restaurant* at 1 Warwick Street, London, W1B 5LR in accordance with the terms of the application, Ref 24/04669/FULL, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Soho Conservation Area.

## Reasons

3. The appeal site comprises No 1 Warwick Street, which is an unlisted building, considered of merit by the Council, that is located within the Soho Conservation Area. During my site visit I saw not only the appeal building, but also its context, including its location on the edge of the Soho Conservation Area and parts of the nearby Regent Street Conservation Area.
4. This also enabled me to see a number of listed buildings, as identified in Appendix 1 of the Council's Appeal Statement, including Grades I, II\* and II listed buildings located close to the site. I saw during my site visit that at rooftop level, when viewed from street level, there is a wide variety of roof forms and styles, which add to the overall vibrancy of the area. Indeed, the significance of this part of the Conservation Area and the settings of nearby listed buildings derives in part from the

juxtaposition between different building styles and forms, showing the evolution of this part of London.

5. The proposal relates to the roof level area of the appeal building, with a central pavilion with terrace areas on its south-eastern and south-western sides. This was approved in 2020 (with amendments in 2022). The appeal scheme seeks the installation of four retractable rooftop awnings to cover the outside seating area of the two terraces. These would differ from the existing awnings due to the placement of aluminium legs and frame to support the awnings rather than them being supported only from their cassette where they are attached to the building.
6. The Council's case details the history of the terrace areas, and how these were expanded in 2022 because it was considered the 45 degree angle of the balustrade reduced the perception of a terrace from private views. However, in the appeal scheme, the Council argues that the scheme would appear as a canvas pavilion due to the aluminium legs and side channels. It is suggested that this would make the modern roof extension more visible and unbalance the appearance of 1 Warwick Street.
7. However, looking at the submitted drawings it is clear that the proposal would be relatively lightweight in appearance, with the aluminium legs and side channels appearing as a relatively thin addition to the terrace level of the building. This can be seen on the submitted drawings – for example the drawing labelled Proposed SE Elevation. The principal question posed by the application is whether the static nature of the support legs and side channels would make the roof extension more visible and unbalance the appearance of 1 Warwick Street.
8. It is true that the support legs and side channels would add to the overall appearance of the building and that this would contrast with the existing situation where the awnings do not have such visible fixed features. However, when looking up from the surrounding streets most observers would be unlikely to see much of the support legs and side channels because of the angles and distances involved. Indeed, when the awnings are not in use, it is likely that most people would observe the situation as it appears today and be unable to distinguish the visible lightweight support legs and side channels. Only when the awnings are open, and/or lighting is used at night to illuminate the terrace, would the eye be drawn to the fact that there is a terrace area at this level of the building.
9. In practice, this would mean that for most observers, there would be little to differentiate between the existing wall supported awnings and those proposed in this case with leg supports and side channels. These are leg supports which would be difficult for most to see with the angles and material used. In such circumstances, I do not find that the

proposal would unbalance the building through the design and location of the proposed awnings.

10. In exercising my duties under s66(1) and 72(1) of the *Planning Listed Buildings and Conservation Areas Act 1990*, as amended, I find that the proposal would at the very least, preserve the character of the Soho Conservation Area. Furthermore, I find that the proposed development would not harm the settings of nearby listed buildings or the Regent Street Conservation Area.
11. Accordingly, I find that the proposal would accord with Policies 38, 39 and 40 of the *City Plan 2019-2040*, which, amongst other aims, seek to ensure that development will preserve or enhance the character and appearance of Westminster's conservation areas.
12. It would also accord with Policy 1 of the *Soho Neighbourhood Plan: 2019-2040*, adopted September 2021, which seeks similar aims to those of the *City Plan 2019-2040* in respect of heritage assets.

### **Conditions**

13. I have considered the suggested conditions in light of Paragraph 57 of the *National Planning Policy Framework* and the national Planning Practice Guidance and the use of planning conditions.
14. A condition in terms of a time limit for implementation has not been suggested by the Council. However, such a condition is necessary and reasonable in order to provide certainty. Similarly, a condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary and reasonable in order to provide certainty and for the avoidance of doubt.
15. Conditions requiring any works to the building to be made good using the same materials and that details of the materials (including colours) of the proposed awnings, support legs, awning cassettes and side channels are submitted and approved before installation is complete are necessary and reasonable in order to ensure that the proposal enhances the character of the Conservation Area.

### **Conclusion**

16. For the reasons given above the appeal should be allowed, subject to the conditions imposed.

*C Parker*

INSPECTOR

Schedule of conditions imposed:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:  
EXISTING SE ELEVATION - MS-DCM-B500-EI-SE-001  
EXISTING SW ELEVATION - MS-DCM-B500-EI-SW-001  
EXISTING LEVEL 7 PLAN - MS-DCM-B500-PI-07-001  
EXISTING NW ELEVATION - MS-DCM-B500-EI-NW-001  
PROPOSED NW ELEVATION - MS-DCM-B500-EI-NW-002  
PROPOSED SE ELEVATION - MS-DCM-B500-EI-SE-002  
PROPOSED SW ELEVATION - MS-DCM-B500-EI-SW-002  
PROPOSED LEVEL 7 PLAN - MS-DCM-B500-PI-07-002  
PROPOSED NE ELEVATION - MS-DCM-B500-EI-NE-002  
SITE LOCATION PLAN - MS-DCM-00-DW-PL-10000 Revision A
- 3) Any works to the external elevation of the building must match the existing original work in terms of materials, method of construction and finish unless shown differently on the approved drawings.
- 4) Before installation of the approved scheme details is complete, samples of the materials to be used should be submitted to and approved in writing by the Local Planning Authority. This should include details (including their colour) of the support legs, side channels, awning cassettes, and awning. The proposal should be carried out in accordance with the approved details and retained thereafter.

\*\*\* END OF CONDITONS \*\*\*