



Appeal Decision

Site visit made on 5 February 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2025

Appeal Ref: APP/X5990/W/24/3353594

34 Grosvenor Square, City of Westminster, London W1K 2HD

- 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 Caprice Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref is 24/03143/FULL.
 - The development is the retention of existing platform within lightwell fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class E).
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Decision

1. The appeal is allowed and planning permission is granted for the retention of existing platform within lightwell fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class E) at 34 Grosvenor Square, City of Westminster, London W1K 2HD in accordance with the terms of the application, Ref 24/03143/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 1A3-GA-G-01 and 1918-PL-002, as well as 1:1250 scale Location Plan.
 - 2) The development shall at all times be carried out in accordance with the Operational Management Plan received by the Council on 14 May 2024.

Main Issue

2. The main issue is the effect of the development on the appearance of the building, including whether or not the proposal would preserve or enhance the character and appearance of the Mayfair Conservation Area.

Reasons

3. The appeal building comprises a 1930's, seven-storey building with elevations in red brick at first floor level and above. The ground and basement levels have elevations finished in a light stone. Previously, there were lightwells either side of the stepped entrance to the front of the building, enclosed by metal railings. The building is located along a street that is distinctly commercial in nature, with retail premises, eateries and drinking establishments present creating a mixed and vibrant streetscene.
4. Where previously the lightwells were readily visible, there is now a platform in situ which accommodates a terrace area that is used as an outdoor seating area in conjunction with the restaurant within the building. The terrace has previously been granted temporary planning permission, at the time of the COVID pandemic, which

has now expired. The current scheme seeks the permanent retention of the platform as a terrace.

5. The development has resulted in the majority of the lightwell being obscured by the platform, with only a small section remaining appreciable to the southern end. While I note that the Council highlight that lightwells are common and characteristic features throughout Mayfair, as well as across much of Westminster, there are few other instances of lightwells within South Audley Street, within the vicinity of the appeal site. As such, at this particular location, lightwells are not a defining characteristic of the street. Rather, the presence of various commercial premises, some with paraphernalia and seating areas to their frontages, results in an attractive variety to the streetscene, introducing activity within the public realm. The development increases this sense of vibrancy within the street, enhancing the situation of the building.
6. The actual decking area itself is a subservient feature of the development, set within the confines of the lightwell area. It does not, as the Council contend, appear out of place within the townscape. Rather, it sits comfortably within the scale and detailing of the building and does not harmfully compete with any other part of the building's elevations. As a result, considering the above, the infilling of the lightwell, has in this instance enriched, rather than detracted from, the appreciation of the building and the contribution it makes to the street. Moreover, the terrace retains the appearance of an outside sitting area and does not, as the Council state, appear as an internal space.
7. I acknowledge that the development has necessitated the removal of sections of the traditional metal railings to the front that enclose the lightwell. However, this has only taken place at small lengths alongside the stepped access to the entrance of the building. The vast majority of the length of the railings has been retained, including along the entirety of the front, as well as where they curve upwards to the access steps. Therefore, while accepting that railings are an important and traditional feature of the building, the actual loss that has occurred is minimal and, in my view, does not result in any harmful effect on the appearance of the building.
8. The light stone finish to the ground and basement levels of the building is an attractive elevation treatment and one which positively contributes to the appearance of the building as a whole. The development exhibits sufficient visual permeability to ensure that views of this treatment are still available, and it does not result in the different material being obscured from view. Indeed, the presence of the terrace area draws the eye and highlights that it is set against the light-coloured stone. Therefore, this element of the buildings design is not diminished by the presence of the terrace area. Similarly, the pattern and rhythm of the fenestration at this level also remains visible and viewable within the context of the fenestration to the levels above.
9. The building is located within the Mayfair Conservation Area. I observed that the significance of this designated heritage asset lies, in part, in the attractive and vibrant street frontages that are present at this location within the conservation area. The high quality of the building frontages, as well as the traditional detailing and street enclosures, also contribute to this attractiveness.

10. I have found above that the development would not be harmful to the building to which it is attached. It follows that, given no harm in this respect, it would appear as an appropriate addition to the street and one which reflects the high-quality nature of the townscape. It would also positively contribute to the vibrancy of the urban environment at this location. Accordingly, the character and appearance of the conservation area would not be diminished, and thus its significance would not be harmed.
11. Accordingly, I find that the development would not be harmful to the appearance of the building, and consequently it would preserve the character and appearance of the Mayfair Conservation Area. Thus, the scheme accords with policies 38, 39 and 40 of the City of Westminster – City Plan (adopted April 2021). Together, and amongst other things, these policies seek to ensure that development is of a high-quality design and sensitively designed, as well as that heritage assets are conserved.

Other Matters

12. The Council refer to the installation of awnings above the terrace, as well as glazed screens and heaters, highlighting that no application has been submitted for these. The Council also confirm that the current scheme relates only to the platforms and removal of railings. As such, it is on this basis that I have considered the appeal. The lack of any application for the other elements is a matter for the Council.

Conditions

13. In the interests of clarity, I have imposed a condition stipulating the approved plans. In order to ensure that the development does not adversely affect any neighbouring occupiers, I have also required that the development is carried out in accordance with the submitted operational management plan, which amongst other things controls times of operation.
14. The Council has suggested a condition requiring that any tables, chairs and other features within the terrace be positioned only in accordance with the positions shown on the submitted plans, in the interest of safety and to avoid blocking the road. However, there is no suggestion that such features are to be placed within the road or pavement area, and the permission relates only to the terrace within the lightwell areas. A further condition is recommended stating that the tables and chairs can only be used between 8am and 10pm. This matter however is covered within the management plan, that is subject to a separate condition. A condition is also recommended in respect of limiting the times during which piling, excavation and demolition work can take place. There is no suggestion that such works are necessary, particularly given that the development already exists. As such, these three conditions would fail the test of necessity and will not be imposed.

Conclusion

15. For the reasons given above, the appeal should be allowed.

Martin Allen

INSPECTOR