



Appeal Decision

Site visit made on 27 June 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/X5990/W/25/3362632

Silvertime, 32 Gerrard Street, London W1D 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Silvertime Amusements Limited against the decision of the City of Westminster Council.
 - The application Ref is 24/07606/FULL.
 - The development proposed is the placement of barrier/ropes to the forecourt.
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Decision

1. The appeal is allowed and planning permission is granted for the placement of barrier/ropes to the forecourt at Silvertime, 32 Gerrard Street, London W1D 6JA in accordance with the terms of the application, Ref 24/07606/FULL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan 2951/EP1.

Procedural Matters and Main Issue

2. In the interest of clarity and brevity I have used the description of development adopted by the Council in the banner heading above.
3. Whilst the Council has described the planning application as retrospective, and there are photographs before me showing the barrier/ropes in place, at the time of my visit this was not the case.
4. The appeal is against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission. As such, there is no decision notice. However, the Council has submitted a written statement which advises that planning permission would have been refused had a decision been made.
5. Based on the Council's putative reasons for refusal I consider the main issue to be the effect of the proposal on highway safety, with particular regard to pedestrians.
6. The Council's second putative reason for refusal refers to Section 130(1) of the Highways Act 1980. Whilst this is noted, the appeal needs to be considered in the context of planning legislation and, in particular, against the development plan.

Reasons

7. The appeal property is a 5-storey building that includes an Adult Gaming Centre at basement and ground floor levels, which was granted planning permission in 2022. The property is situated in a pedestrianised street in the China Town Conservation Area. Vehicular access is allowed for service vehicles outside hours of highest pedestrian activity during the day and evening. At the time of my visit in the early morning there were few people around and service vehicles were parked in the street. I am aware however that levels of pedestrian activity are high in this area at peak times in the evening.
8. There is a narrow forecourt area at the front of the property between its street elevation and the back edge of the pavement. The information before me indicates that this is privately owned land and I note that many other properties on this side of Gerrard Street include railings next to the back edge of the pavement thereby enclosing the narrow privately owned space between building frontages and the pavement.
9. The proposal would comprise the placement of 11 freestanding 910mm high posts with 360mm diameter cast iron bases in front of the appeal property. Rope would be fixed between the posts to form a barrier. 9 of the 11 posts would be sited along the border between the forecourt and the public realm. The appellant has sought planning permission to place these items outside the property 24 hours per day, 7 days a week and advises that the purpose of the barriers and ropes is to mark out a designated smoking area for customers of the Adult Gaming Centre.
10. Whilst I note that Gerrard Street experiences high levels of pedestrian activity at peak times, it is an entirely pedestrianised space during these periods and therefore users of the street have plenty of space and, provided the traffic restrictions are adhered to, there should be no prospect of risk to pedestrians due to vehicles in the vicinity of the appeal property. The barriers would be sited close to the frontage of the appeal property and in alignment with nearby railings and the nearby telephone box. As such the proposal would not interfere with the main desire line for people walking along the pavement area in front of the appeal property and would not therefore harm pedestrian safety.
11. The Council's reason for refusal refers to an "overspill". I note that whilst the proposal may contain people congregating outside the appeal property most of the time, at peak times there may be an overspill onto the pavement. This would be a consequence of the permitted use of the appeal property as opposed to an impact resulting from the appeal proposal.
12. For the reasons set out above I conclude that the proposal would not have an unacceptable effect on highway safety. It therefore accords with Policies 24, 25 and 43 of the City of Westminster City Plan 2019 - 2040 (2021) which, amongst other matters, seek the improvement of the pedestrian environment and support proposals for trading from premises by extending into the street provided this does not compromise pedestrian movement or traffic conditions.

Conditions

13. The Council has put forward a set of planning conditions that have not been commented on by the appellant. I have considered these having regard to the National Planning Policy Framework (2024) and Planning Practice Guidance. In

addition to the standard time limit condition, it is necessary, for the avoidance of doubt and in the interests of proper planning, to impose a condition requiring the development to be carried out in accordance with the approved drawing. A separate condition requiring the barrier/ropes to be positioned in the location shown on drawing 2951/EP1 would duplicate the above condition and is not therefore necessary. I see no planning need to either restrict the hours within which the barriers/ropes can be in place or restrict the permission to a year.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR