
Appeal Decisions

Site visit made on 13 August 2025

by Mr Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal A Ref: APP/X5990/Y/25/3360075

24 Bruton Street, London, W1J 6QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Elie Saab UK Ltd against the decision of the Council of the City of Westminster.
 - The application Ref is 24/06980/LBC.
 - The works are described as retention of advertisement flag poles and flags to the front facade
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Appeal B Ref: APP/X5990/H/25/3360076

24 Bruton Street, London, W1J 6QQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Elie Saab UK Ltd against the decision of the Council of the City of Westminster.
 - The application Ref is 24/07199/ADV.
 - The advertisement is described as retention of advertisement flag poles and flags to the front facade.
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Decisions

Appeal A Ref: APP/X5990/ Y/25/3360075

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/ H/25/3360076

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. Though I have determined each appeal on its own merits, in the interests of conciseness and clarity, I have dealt with the appeals together.
 5. The applications the subject of these appeals indicate that the works had been completed. However, at the time of my site visit, the flags and poles were not in place. I have, therefore, considered the proposal against the application drawings.
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Main Issues

6. Appeal A: This is an appeal against the refusal of listed building consent. The main issue for appeal 'A' is whether the proposal would preserve the grade II listed building whose statutory address is 24 Bruton Street W1, and any of the features of special architectural or historic interest that it possesses.
7. Appeal B: This is an appeal against the refusal of advertisement consent. The Regulations and the National Planning Policy Framework (the Framework) require that decisions be made only in the interests of amenity and public safety. No concerns have been raised with regard to public safety, and I have no reason to disagree with this view. The appeal building stands in the Mayfair Conservation Area (CA). Therefore, the main issue for appeal 'B' is the effect of the proposal on visual amenity, having particular regard to its effect on the CA.

Reasons

The significance of the listed building and the CA

8. Though the ground floor shopfront and the third floor appear to be relatively recent works, No.24 displays some of the Palladian influences characteristic of an upper middle-class house in the early to mid C18. As far as this proposal is concerned, of particular note in the arrangement of the street façade is the substantial string course below first floor and the corresponding cornice above the second floor, this space containing centred windows with moulded jambs, their height diminishing from first to second floor.
9. Architectural embellishment in the façade between ground and the uppermost storey is restrained, with simple, pointed pediments over the windows of the piano nobile, and delicate consoles clasping the cills of the windows above. White-painted, projecting moulding work delicately announces the openings in the sombre brickwork background, in which the appellant points out Flemish bond, and remnants of tuck pointing.
10. The building appears as part of a terrace of individually designed houses on this side of a relatively short street. This shows how development quickened in the area in the early C18, which is significant both historically and architecturally.
11. The special interest of this building and many of its neighbours in the terrace, would enrich the character and appearance of any conservation area. However, in addition to the individual architectural and historic contribution of No.24, the Mayfair CA has a rich townscape and a distinctive street pattern.

12. For instance, and probably because of the piecemeal nature of development in this terrace in Bruton Street, there are delightful, small distinctions in the way plots have been built. Window openings are embellished in rubbed brickwork, in moulded work, or arches, yet the windows, in their various styles of ornamentation, are common decorative features. The principal windows have simple, or pointed, or segmental, or corbelled pediments, and even in one case, an exuberantly detailed, doubled-layered classical dressing with paired columns and pilasters. However, amid all the ornamental eclecticism, there is a resounding and coherent architectural restraint in the facades – the individual elements refrain from distracting from the simplicity of the Palladian order which is the strong influence here. This architectural integrity, delicately balanced, but attractive in the subtlety of its variations, adds to the architectural significance of the CA.
13. The grid-iron street patterns of the CA and the interplay between the differing alignments which cross it are part of its historic significance; and they have generated some of its striking, architectural charm. For instance, the grander, east-west alignments running from Grosvenor Square transecting with the streets running at ninety degrees from Piccadilly which, in turn, contrast with the streets around Shepherd Market, with their altogether different alignments.
14. The result of this figure-ground fracas is a variety of street alignments, block corners, street hierarchies, profiles, and lengths. The juxtapositions of this spatial characteristic alongside the building styles, different periods of development and adaptation, adds to the significance of the CA. For instance, the Coach and Horses public house standing isolated at the junction of Bruton Street, Bruton Lane, and Barlow Place, a few metres from No.24. Such counterpoints, and the buildings and streets which mark and enclose them, add a unique dimension to the significance of this CA.
15. It is in these significant historic and architectural contexts, both No.24 itself, and the CA in which it stands, that the desirability of the building's preservation and any of the features of special architectural or historic interest that it possesses requires that special regard be had, and the desirability of preserving or enhancing the character or appearance of the CA requires that special attention be paid.

The effect of the proposal on the listed building

16. The design of the façade of No.24 is rather simple. Ornamentation is fine in its scale and is restrained in its range. This characteristic aesthetic, the unity of the individual architectural elements, and their balanced arrangement in the façade, are part of the building's special architectural interest. The flagpoles and flags would disrupt the order of the façade and undermine the balanced unity between the architectural elements which define it. The works would not therefore preserve the special architectural interest of the listed building. I give this harm considerable importance and weight.
17. I note that the flags in this proposal are smaller than previously proposed, and in different positions. Despite this, I still find the works would not preserve the special architectural interest of the building.
18. I acknowledge that the works would be reversible, and this appears to have been demonstrated so. I note the efforts to reduce the prominence of the poles and the flags by careful imagery and colour selection, and I note that there is symmetry in their arrangement. However, none of this mitigates the harm identified above.
19. The building's use is already plain to see, with its ground floor shop frontage; I see no need for further announcements which would justify the harm to the listed building that I have identified.
20. The appellant tells me that the neighbouring listed buildings, No.25 and No.26, had flagpoles when they were listed. However, there is no evidence, including the significance of the flagpoles or indeed a record of their presence, in any assessment undertaken as part of the considerations of their being added to the list. In any event, it is the whole of the building which is listed, flagpole and all. Moreover, this appeal relates to poles and commercial flags, rather than just poles. More significantly still, that point concerns neighbouring buildings, rather than the building the subject of this appeal, where there is no record of either poles or flags hanging when it was listed.
21. Paragraph 212 of the Framework indicates that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification.

22. Given the scale and the nature of the proposal as noted above, the degree of harm I have identified would be less than substantial, and at the lower end of that measure of harm. However, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
23. Under such circumstances, in the application for listed building consent, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits advanced by the appellant. Though there may be commercial advantage from the advertising, I cannot identify the benefit of this to the public at large, or to meeting the economic objectives set out in the Framework.
24. Given the above, and in the absence of any defined public benefit, I conclude that the proposal would not preserve the special architectural interest of the grade II listed building, thus failing to satisfy the requirements of the Act, paragraph 210 of the Framework and development plan policies insofar as they are relevant.

The effect of the proposal on visual amenity

25. From street level, I could see no flags or poles on the facades of the buildings on this side of the street, and only one Union flag and two poles on the facades of the buildings on the opposite side of the street. Those were on more modern buildings, with quite different townscapes to the buildings on No.24's side of the street.
26. In this context, the proposal would disturb the delicate architectural coherence across the townscape elements of the buildings in the terrace of which No.24 is a part, as well as diminishing the legibility of its subtle variations, and the appearance of the street. It would undermine the townscape synergy of this important terrace in the CA. It would diminish the significance of the CA as a whole, harming its appearance, as well as the visual amenity of the area.
27. The appellant refers to numerous flags exhibiting branding in Bruton Street and in New Bond Street. I saw none such in Bruton Street. I saw in New Bond Street numerous buildings with flags, some similar to this proposal. However, the range of buildings there has a more eclectic influence of development periods and architectural styles, and without a terrace with quite the same character and coherence as here. The buildings in New Bond Street are also generally taller than those in Bruton Street, which further differentiates the characters of these two streets.

28. From what I saw, in as much as the spatial and townscape character of Bruton Place has a smaller, more intimate scale than Bruton Street, New Bond Street has a greater scale to its townscape and street profile than Bruton Street. My point is that architectural coherence within areas, and the spatial and townscape contrasts between different areas, are part of the architectural distinctiveness of this CA. Recognising this is important in being able to preserve the appearance of the CA.
29. I have noted the appeals¹ at Nos.17, 25, and 34-36 Bruton Street. No 17, on the opposite side of the street, is a large, unlisted, modern building. The effect of the single flag on that building, where the Inspector noted that the façade had few features which would be obscured by the flag, is incomparable to the context of this proposal on an C18 townhouse and this proposal for two flags. I acknowledge that the Inspector, allowing an advertisement there, found that flags had naturally become part of the northern side of Bruton Street, and that flags had become a feature of advertising in the CA. However, there were no flags visible from street level on the northern side of Bruton Street at the time of my site visit. None. Moreover, and as discussed above, I recognise the contrasts between different parts of the CA, and the value of this in the significance of the whole CA.
30. On the other hand, my findings are not dissimilar to those of the Inspectors in the dismissed appeals at the unlisted Nos.34-36 and the listed No.25. The Inspector in considering the single flag at Nos.34-36 found that it would be in a very prominent position on the forward projecting part of the building, which was not listed, where it would be visually intrusive. They also concluded that whilst there were many examples of flag advertisements on Bond Street [*sic*] itself, there were very few examples on the streets to the west. In their opinion, the introduction of such advertisements in this part of the conservation area would be out of character.
31. Similarly, in the appeal next door to No.24, that Inspector found that the single pole and flag in that case would introduce an element of visual clutter to the façade and street scene, being particularly prominent in views along the street in both directions for some distance. This is the most recent case of the three, and the one with the most similar circumstances to this appeal.
32. I note the Council's approval at No.27 for a flagpole and display of the Union Flag, but also its subsequent refusal of advertisement consent and listed building consent. I also note the Council's consents in 1994 for a pole and flag at No.32, but also its

¹ Appeal refs: No. 17: APP/X5990/Z/24/3340180, No. 25: APP/X5990/Z/24/3348876 Nos. 34-36: APP/X5990/Z/16/3142993

refusal of consents, 30 years later. The Council permitted a pole at the unlisted Nos.34-36, but the advertisement consent it refused. I saw on my site visit the pole and Union flag consented by the Council at No.1, a large, listed, modern building. Like no.17, that building, its bearing, and its effect on the appearance of the street are incomparable to this proposal. The historical decisions of the Council do not bind me.

33. I acknowledge the photograph of a flagpole on No.25, before the CA was designated. However, there is no evidence whether a commercial flag hung from it at the time of designation. In any event, the CA was designated as a whole, encompassing numerous buildings including No.25, with or without a pole. It does not change my impression of the significance of the CA as a whole, nor does it relieve me of my statutory duty as regards the CA today, rather than how it may have appeared around 70 years ago as captured in a historical photograph. This does not lead me to a different conclusion on this proposal.
34. I have taken into account policies 38, 39, and 43(G) of the City Plan 2019-2040. These require works to listed buildings to preserve their special interest, to relate sensitively to the period and architectural detail of the building, to positively contribute to Westminster's townscape and streetscape having regard to heritage assets, and for signs and advertisements to make a positive contribution to amenity by being sensitively designed in terms of their size, and location, as well as their impact on the building on which they are displayed.
35. Given that I have concluded that the proposal would harm visual amenity, and as far as they are a material consideration, the proposal conflicts with these policies. Further, the proposal would fail to preserve the appearance of the Mayfair CA, to which harm I must give considerable importance and weight.

Conclusion

36. The proposal would preserve neither the special architectural interest of the listed building, nor the appearance of the CA. It would harm the visual amenity of the area. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Mr Patrick Whelan

INSPECTOR