



Appeal Decisions

Site visit made on 8 September 2025

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal A Ref: APP/X5990/C/23/3334437

Appeal B Ref: APP/X5990/C/23/3334522

Ground Floor and Basement Premises, 12-12A Lauderdale Parade, Lauderdale Road, London W9 1LU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Toru Sasaki, Murasaki London Ltd against an enforcement notice issued by Westminster City Council.
- The notice was issued on 1 November 2023.
- The breach of planning control as alleged in the notice is: Without the requisite planning permission and within the last 4 years, the installation of a fixed sloping canopy, comprising a metal frame and Perspex panels, affixed at fascia level and affixed to the forecourt perimeter wall ("the Unauthorised Works") shown outlined by red lines in Photograph A-C¹ and associated supports and fixtures, including:
 - (i) Heaters and lights hung inside the structure (shown in Photograph C);
 - (ii) Drainage pipes affixed to the external face of the boundary wall around the external seating area (example shown outlined by red lines in Photograph D);
 - (iii) Two black canvas panels with clear plastic windows, affixed at the western and eastern ends of the forecourt area, shown outlined by yellow lines on Photographs E and F;
 - (iv) Clear plastic sheeting affixed at the northern elevation of the forecourt area, shown outlined by blue lines on Photographs E and F; and
 - (v) Clear plastic sheeting hung across the forecourt area, shown outlined by blue lines on Photograph C.
- The requirements of the notice are to:
 - 1) Remove the fixed sloping canopy, comprising a metal frame and Perspex panels, affixed at fascia level and affixed to the forecourt perimeter wall (shown outlined by red lines in Photographs A to C) and all associated supports and fixtures including:
 - (i) The heaters and lights hung inside the structure (shown in Photograph C);
 - (ii) The drainage pipes affixed to the external face of the boundary wall around the external seating area (example shown outlined by red lines in Photograph D);
 - (iii) The two black canvas panels with clear plastic windows, affixed at the western and eastern ends of the forecourt area, shown outlined by yellow lines on Photographs E and F;
 - (iv) The clear plastic sheeting affixed at the northern elevation of the forecourt area, shown outlined by blue lines on Photographs E and F; and
 - (v) The clear plastic sheeting hung across the forecourt area, shown outlined by blue lines on Photograph C; and
 - 2) Repair any damage caused to the building using materials to match the existing building, and remove from the site all debris, resulting from compliance with Step 1.
- The period for compliance with the requirements is: Within 6 months of the Notice taking effect.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeals are dismissed, the enforcement notice is upheld and planning permission is refused.

¹ References in this heading to photographs are references to photographs attached to the enforcement notice.

Appeal C Ref: APP/X5990/W/23/3334435

12 Lauderdale Parade, Lauderdale Road, London, W9 1LU

- 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 Toru Sasaki against the decision of City of Westminster Council.
- The application Ref is 23/03112/FULL.
- The development proposed is works to front forecourt.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. Appeals A and B are against the service of an enforcement notice ("the Notice"). The address stated in the above heading is taken from the Notice, and the appellant's name from the appeal forms. Appeal A is made on ground (a), that planning permission should be granted for the matters alleged in the Notice. Appeal B is made on ground (e), that copies of the Notice were not served as required by Section 172 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
2. Appeal C is against the refusal of planning permission for a similar development to the matters described in the Notice. The address, description of development and appellant's name are taken from the application form. Words indicating that the application sought permission for development already carried out are not repeated, since they do not in themselves describe an act of development. Given the similarities, I have considered Appeal C and the Appeal A, ground (a) appeal together.
3. The appellant suggests that some of the matters alleged in the Notice do not require planning permission. That is, in effect, an appeal on ground (c), that the matters alleged do not constitute a breach of planning control. As both parties have made submissions in connection with this, there would be no injustice if I also consider Appeals A and B on this ground.

Appeal B on ground (e)

4. There was some confusion around the date of issue of the Notice and the time in which an appeal could be lodged. However, it has not been shown that this was due to a failure to serve as required by Section 172 of the 1990 Act.
5. In any event, Section 176 of the 1990 Act provides that where there has been a failure to serve a notice as specified, I may disregard that fact if neither the appellant nor person that should have been served has been substantially prejudiced. In this case, the appellant has been able to lodge an appeal and, therefore, there has been no substantial prejudice. The appeal on ground (e) fails accordingly.

Appeals A and B on ground (c)

6. The breach of planning control is described, in summary, as the installation of a fixed canopy. That is then said to 'include' various items listed as items (i)-(v). The lights described in item (i) have been hung inside the structure. The panels and sheeting described in items (iii)-(v) are removable and, indeed, had been removed at the time of my visit. Nevertheless, these items cannot exist without the overarching canopy structure. As such, whether or not they are temporary, they

are part and parcel of the alleged unauthorised development and not separate operations.

7. Some heaters have been fixed to the building and to Perspex panels that surround the forecourt area at the site. The Council has confirmed that these Perspex panels are separate to the canopy and not part of the matters alleged. However, I saw one heater attached to a timber support that is, in turn, fixed to the canopy frame. Like the lights, that heater cannot exist without the fixed canopy structure.
8. The Notice, as drafted, only targets the fixtures that are 'associated' with the fixed canopy. While that may not include all of the heaters, I, therefore, find it more likely than not that all of the matters alleged in the Notice do constitute a breach of planning control. The appeal on ground (c) fails accordingly.

Appeal A on ground (a) and Appeal C

9. For appeal A, planning permission is sought for the matters alleged in the Notice. My findings in respect of ground (c) mean that this includes the heaters, lights, canvas panels and plastic sheeting that are sometimes fixed to the canopy frame. These items are not specifically listed in the description of development for appeal C, but the sheeting is clearly shown on the proposed drawings.
10. The appellant has not suggested that they would be content for the removable items never to be replaced at the site, and, indeed, appears to be seeking a solution that would provide a weather-proof dining area that could be used year-round. In the event that permission were granted it is, therefore, likely that they would remain, or at least be frequently present at the site. I have, therefore, considered the effect of them.
11. The main issue is the effect on the character and appearance of the Maida Vale conservation area.
12. The conservation area includes large, grand buildings arranged along avenues and crescents. The handsome buildings and resulting appearance of the area contributes to its significance as a heritage asset. The buildings at Lauderdale Parade contribute to this character, being finely detailed, especially at upper floor levels.
13. At ground floor, Lauderdale Parade comprises commercial units. There are large well-used forecourt areas to the front of the buildings, giving an active commercial character to the immediate area. Unlike its neighbours, the forecourt at the appeal site is raised slightly above the footway, surrounded by planters that the Council confirms have become lawful through the passage of time.
14. At the opposite end of the parade, there is a large, solid structure to the front of No 1 that I understand to have been erected in the 1980s. While that would likely have been considered in a different policy climate, it still forms part of the character and appearance of the immediate locality. A number of the intervening units have differently designed retractable canopies or blinds to the front. Some do not appear to be retracted very frequently, if at all, but they are nonetheless a traditional method of providing shade or cover to the forecourts.
15. The Council's Supplementary Planning Document: Shopfronts, Blinds and Signs – A Guide to their Design, explains that rigid canopies are inappropriate on historic buildings and in conservation areas. However, while the ground floor of the appeal

site does retain some historic details, these remain visible and have not been obliterated by the canopy. The majority of the historic detailing described by the Council is on the upper floors and remains visible looking along the parade and from the opposite side of the road.

16. Importantly, while rigid and of modern design, the canopy is of an appropriate size and scale to the building. Notwithstanding some slightly clumsy drainage details, it appears compatible with the raised forecourt, planters and the varied shop fronts and other structures at ground level around this particular location. I, therefore, find that the canopy and its framework do not result in harm to the character and appearance of the conservation area.
17. However, although not unprecedented in the area, the plastic coverings, hung from the canopy frame add a further detail that is incongruous with the building and fixed canopy. Photographs show that when rolled up, they hang awkwardly beneath the canopy eaves. When down, they are draped over the planters, anchored with elastic. Both scenarios lead to a somewhat cluttered appearance to the site frontage and street.
18. I appreciate that the covers are removable and, indeed, had been removed at the time of my site visit. However, given the appellant's desire to provide shelter at all times of year, they are likely to be required frequently. Photographs have been provided indicating that they have remained in place even at times that the restaurant has been closed. I find that their cluttered appearance fails to preserve the grand character and appearance of the conservation area, and causes less than substantial harm to its significance. The effect is relatively localised such that the harm would be at the lower end of the scale. Nevertheless, the National Planning Policy Framework advises that, irrespective of the degree of harm, the conservation of heritage assets should be given great weight.
19. Providing enclosure to the forecourt significantly increases the capacity of the restaurant, which would likely improve business viability. That may be a contributing factor to the success of the current business, in contrast to others that have failed over recent years. A successful restaurant business brings employment opportunity and helps to maintain the commercial area, contributing to the character of this part of the conservation area, as well as bringing social benefits.
20. However, there is limited information as to the extent to which the business relies upon the external area, and at what times of year. It is unclear whether the roll-down coverings are an essential part of the outdoor offer, or whether they are just desirable. Therefore, the public benefits associated with them do not outweigh the harm to the significance of the heritage asset that I have identified.
21. Accordingly, the development is contrary to Policy HC1 of the London Plan 2021, and Policies 38, 39 and 40 of the Westminster City Plan 2021 that require development proposals to conserve the significance of and respond positively to heritage assets and the townscape. Material considerations have not been shown to indicate otherwise that planning permission should be granted. Appeal C, and appeal A on ground (a) should fail.

Formal Decisions

Appeal A

22. The appeal is dismissed. The enforcement notice is upheld and planning permission is refused.

Appeal B

23. The appeal is dismissed. The enforcement notice is upheld.

Appeal C

24. The appeal is dismissed.

M Bale

INSPECTOR