



Appeal Decision

Site visit made on 30 September 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2025

Appeal Ref: APP/X5990/W/25/3369009

31 Norfolk Place, City of Westminster, London W2 1QH

- 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 Vaughan Smith of The Frontline Club against the decision of City of Westminster Council.
 - The application Ref is 24/09035/FULL.
 - The development proposed is described as “- No change of use
 - Three small openings for mechanical ventilation at ground level.
 - Single waste pipe connection at the rear of the property to interface with existing soil stack.
 - Replacement awning canvas.
 - Repairs and decoration to front and side elevation.
 - Extension and new gate to existing iron railing. To match existing.
 - New Bollard on corner of terrace.
 - Tiles be replaced with black encaustic tiles with repairs to waterproof build-up.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I observed that development had already been undertaken. It is clear from the plans and evidence that the development that has taken place is work referenced in the planning application, although the square profile metal post shown on the proposed plans alongside the new gate and bollard had not been installed. Grey tiles had been laid to the front forecourt of the property, although black encaustic tiles are indicated in the application. There are no amended plans or details of this element provided with the appeal, although the appellant suggests that a condition could be imposed requiring that the tiles remain grey and not changed without further permission.
3. I am mindful that it is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council. Whilst, in certain circumstances, a proposal can be amended during an appeal, the main, but not the only, criterion on which judgment should be exercised is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
4. Given the location and nature of the proposal, this is a relatively fundamental change to this part of the overall development. Accepting the revision would deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal, which they may have wished to make. To ensure that no-one is disadvantaged through the appeal process, and whilst what

I saw has helped to inform my assessment, I have dealt with the appeal on the basis that planning permission is being sought for the development as proposed in the application and the submitted plans.

5. The development includes works that are not part of the Council's reasons for refusal, nor does the Council identify any conflict with the development plan in relation to these elements. From the evidence before me and my site visit, I see no reason to disagree. Therefore, this appeal is focussed on the railings, bollard and tiles as referred to in the Council's decision notice.

Main Issues

6. The main issues are the effect of the development on:
 - the character and appearance of the host building, and whether the proposal would preserve or enhance the character or appearance of the Bayswater Conservation Area (the CA); and
 - users of the public highway.

Reasons

Character and appearance

7. The appeal property is an attractive four-storey building located fronting Norfolk Place and on its corner with Praed Mews. It is within the CA, and the immediate area is predominantly characterised by a mix of terraced commercial and residential development of varying scale and design.
8. The significance of the CA is derived from its mix of commercial and residential development and its architectural and historic interest, including groups of historic buildings. The appeal site contributes to the significance of the CA through its architecture and detailing, as well as forming part of the terrace within this prominent street frontage location.
9. The property features a forecourt between the front elevation and the pavement on Norfolk Place. The forecourt is distinguished from the pavement by a modest upstand and a change in materials. The majority of the forecourt is enclosed by metal railings, which the evidence suggests has been permitted through earlier applications, although I have not been provided with full details of these. Notwithstanding this, the Council's evidence indicates that the existing upstand and railings have become lawful in planning terms. Without anything to the contrary, my assessment is therefore based on the existing railings forming part of the established character of the site.
10. The new section of railings and gate would infill a relatively small gap in the frontage of the railings that run parallel to the footpath and adjacent to the corner return along Praed Mews. These would reflect the scale, materials, colouring and appearance of the existing railings, appearing as a continuation of the enclosure to the site frontage. A bollard has also been installed within the forecourt upstand, close to the corner of Norfolk Place and Praed Mews, which is of similar height and colour finish to the railings.
11. There are a variety of boundary treatments in the area, although black, metal railings and gates are prevalent close to the appeal site and in the surrounding

streets. Bollards of varying forms and positions, including those of similar height and general appearance to the appeal proposal, are also part of the wider street furniture within pavements in the area.

12. The railings and gate would infill a relatively small gap to the site frontage and would be sympathetic to the scale, appearance and finish of the existing railings. They are also characteristic of the appearance of other railings in the surrounding area that provide enclosure to the frontage of properties. Due to their design and scale, they would not appear as a prominent or incongruous addition within this part of the street scene or create an overly defensive feature. Furthermore, they would not disrupt the rhythm and openness of the street scape, or otherwise adversely impact the site frontage and its contribution to the public realm.
13. The bollard is a bulkier feature in comparison to the slimmer railings. However, due to its position within the forecourt alongside the railings and gate, its height and finish, it is not an overly prominent or discordant addition to the site frontage. Given its position upon the upstand, it is contained within the site forecourt and does not sit awkwardly on its corner. It is seen as part of the overall enclosure with the railings, therefore it does not result in an incongruous or unduly cluttered element to the street scene.
14. In combination, the railings, gate and bollard are modest additions in the street scene, which are sympathetic to the use of railings at the site and reflect the prevailing character of front boundary treatments in the surrounding area. They do not result in harm to the building, and these elements do not harm the significance of the CA, therefore this aspect of the development preserves the character and appearance of the CA.
15. The evidence indicates that the forecourt previously featured a lighter tile finish, which distinguished this area from the adjoining pavement and provided a contrast to its appearance. I have limited information before me of the position of a historic lightwell and the relevance of that to the appeal proposal. However, given that the much darker, black tiles would cover the full extent of the forecourt and the greater visibility of this in the street scene, the proposal would be out of character with the materials used for such areas at the site and in the surrounding area.
16. Whilst the appellant's evidence directs me to other examples close to the site, these are not directly comparable to the appeal proposal due to being much smaller in size and with considerably less visual impact. The presence of these and other variations in the area do not justify the harm to the character and appearance of the area from the proposal.
17. This aspect of the development would introduce a discordant feature to the front of the site in a more prominent location in the street scene. This would have a detrimental impact on the character and appearance of the building and the area, and the contribution that the property makes to the significance of the CA would be reduced. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
18. The change would be localised in terms of the CA as a whole, therefore the harm to the significance of the CA would be less than substantial, and the harm would be at the lower end of the scale in that respect. Irrespective of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states

that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

19. The appellant does not reference public benefits for this element, although their Heritage Statement states that repairs and renovations will be improvements that sustain the building, contributing positively to the context and conservation area. It would be reasonable to treat these aims as being public benefits on the basis that they would contribute to environmental objectives set out in the Framework in respect of the aims to protect and enhance the property within the historic environment. However, I am not satisfied that the overall enhancement of the property could not be achieved without the harm from the proposed replacement tiles. Also, it has not been adequately demonstrated that the proposed development is the only way to achieve the appellant's overall objectives. I therefore give these modest weight as public benefits, and they would not be sufficient to outweigh the harm to the CA.
20. For these reasons, I conclude that the development would harm the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA, therefore it would conflict with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040 (the CP). Amongst other things, these policies seek that new development will positively contribute to the townscape and streetscape, ensure heritage assets are conserved and enhanced, and preserve or enhance the character and appearance of conservation areas.

Public highway

21. The site fronts Norfolk Place, which is a relatively busy, one-way road that splits into two lanes at the nearby junction with the busier Praed Street. The pavement to the front of the appeal site is a similar and consistent width where it also runs to the front of the immediately adjacent buildings, which also feature forecourt areas. A relatively narrow, single width vehicular access with cobbled surfacing that leads to properties on Praed Mews is adjacent to the boundary of the appeal site and the pavement.
22. The evidence indicates that the forecourt area to the front of the site has had variations in its form and appearance, and its use has been distinct from the adjoining pavement due to the upstand, railings and different materials. It also indicates that part of the development is sited on publicly maintainable highway. I note the duty of highway authorities under Section 130 of the Highways Act 1980 (the Act). The Council's Highways Planning Manager also highlights the need to secure a license under the Act for structures to be positioned in the highway if permission were to be granted. However, these matters relate to separate legislation that is outside of the scope of my consideration of this appeal, in which I have had regard solely to the planning merits of the development.
23. I observed pedestrians using the pavement to the front of the site and crossing the access with Praed Mews. Whilst the pavements in this area are not particularly wide, there was no indication that users were not able to safely pass along this area and cross the access with the railings and bollard in situ. I have no compelling evidence to demonstrate that the development unduly obstructs

pedestrian movements on the pavement or at the crossing point, or that it adversely impacts on aims to support active travel in the area.

24. The bollard is relatively close to the access with Praed Mews and within 450mm of the kerb face. However, it does not encroach onto the adjoining pavement or access point. There is an intervening area between the forecourt and the access road due to part of the upstand and a kerb, which increases in height to the side of the site with the levels of Praed Mews. Whilst I did not observe vehicles entering or leaving Praed Mews at the time of my visit, I have no compelling evidence to demonstrate that the siting of the bollard creates a hazard for users of the highway or footpath. I consider that there is sufficient space for vehicles to safely use the access without conflict with the bollard, and that it does not unduly restrict access or limit visibility at this point.
25. Notwithstanding the concerns raised over development within the highway, for the reasons set out above I conclude that the proposal would not result in harm to users of the public highway, therefore it would not conflict with Policies 25 and 43 of the CP. Amongst other things, these policies seek to prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm, and that the public realm will be safe, attractive and accessible to all.

Other Matters

26. Where the proposal has been found to be acceptable by the Council in other respects, these are neutral matters that do not weigh in favour of the development.

Conclusion

27. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR