



Appeal Decision

Site visit made on 8 January 2026

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2026

Appeal Ref: APP/X5990/W/25/3372624

Zizzi, 110 Wigmore Street, London W1U 3RW

- 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 Zizzi Restaurants against the decision of the Council of City of Westminster.
 - The application Ref is 25/03118/TCH.
 - The development proposed is use of the highway forecourt for the placement of 10 x tables, 12 x chairs, 4 x benches and 2 x freestanding planters in an area measuring 14m x 1.2m in connection with the adjacent restaurant.
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Decision

1. The appeal is allowed and planning permission is granted for use of the highway forecourt for the placement of 10 x tables, 12 x chairs, 4 x benches and 2 x freestanding planters in an area measuring 14m x 1.2m in connection with the adjacent restaurant at Zizzi, 110 Wigmore Street, London W1U 3RW in accordance with the terms of the application, Ref 25/03118/TCH, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading and my decision above I have taken the postcode from the Council's decision notice which I consider to be accurate.
3. In January 2026, a reviewed version of Westminster's City Plan 2019-2040 (the City Plan) was adopted. This has replaced a version of Westminster's City Plan which was an adopted development plan document at the time the Council made its decision. I must determine the appeal against the current development plan. The Council have confirmed which policies within the City Plan it considers the development conflicts with: Policies 29 and 48, and I have determined the appeal on that basis.
4. The appeal site is situated within the Portman Estate Conservation Area. As a result, in making my decision, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The main issues are:
 - The effects of the development on highway safety, with particular regard to pedestrian movement; and
 - The effects of the development on street cleansing.

Reasons

Highway safety

6. The site lies within an area characterised by numerous ground-floor commercial premises, including restaurants and cafés. At the time of my unannounced and unaccompanied site visit, many of these had external tables and chairs positioned beside their frontages.
7. A series of temporary planning permissions, permitting outdoor furniture associated with the restaurant have previously been granted. I commenced my site visit at approximately 10:30am, at which time no tables or chairs were present outside the restaurant.
8. The proposed plan indicates that the two planters, along with the tables and seating for which permission is sought, would be positioned adjacent to the restaurant's frontage, to the east of the main entrance. The footway in this location has a width well in excess of 2 metres (m) and is unimpeded by any street furniture other than a traffic-light column aligned with the building edge.
9. The appellant contends that, even taking account of the traffic-light column, the proposal would not reduce the footway width below approximately 2.3m. Nothing in the submitted plans, my on-site observations, or the Council's evidence leads me to doubt the accuracy of this assertion.
10. West of the main entrance, a street tree, cycle-parking hoops, a lighting column and a bin create some narrowing of the footway. However, as the planters and seating would be located on the opposite side of the entrance, these existing features are well separated from the area affected by the development. The plans show a street sign directly opposite the entrance, but this was not present on site.
11. Accordingly, the substantive evidence indicates that a clear, unobstructed footway width in excess of 2m would be maintained adjacent to the development area, and for the most part this width would well-exceed 2 metres. In addition, at the junction of Wigmore Street and Duke Street the footway has a 'bumped-out' design, which increases the available space for pedestrians waiting at the traffic lights.
12. A planning condition can be imposed to ensure that the submitted layout of the furniture is precisely accorded with. This would prevent the furniture from being positioned in a more dispersed arrangement that could impede the footway.
13. For these reasons, I conclude that the effects of the development on highway safety, with particular regard to pedestrian movement, would be acceptable. The development complies with Policies 29 and 48 of the City Plan. Policy 48 supports the provision of tables and chairs on the highway where amenity is not harmed and pedestrian movement or traffic conditions are not compromised, and it seeks to ensure a well-designed, inclusive, accessible and clutter-free public realm. Policy 29 requires development to prioritise and improve the pedestrian environment, ensuring footways are suitable for all users and that road environments and crossings are safe.

Street cleansing

14. The layout of the furniture would be compact and ordered, and a well-defined clear width of footway would remain. This will assist in making cleaning the street easier. Moreover, I have been provided with no specifics of the cleaning regime, including in relation to the equipment used or times of day it takes place, which demonstrates to me that the development would hinder it.
15. No substantive evidence has been provided to me which indicates that the siting of any furniture outside the restaurant, as permitted by previous planning permissions, has caused problems for street cleansing operations. Although the specific consultee comments are not before me, the consultation section of the Council's delegated report identifies that the cleansing consultee raised no objections to the development. I can only take these factors as further evidence that the development would not prove a hindrance to street cleansing.
16. For these reasons, I find that the effects of the development on street cleansing would be acceptable. The development complies with Policies 29 and 48 of the City Plan which, amongst their content, require developments to achieve a first-class public realm and high-quality road environment, whilst setting out that proposals for on-street tables and seating should not impede street cleansing arrangements.

Other Matters

17. The Portman Estate Conservation Area (the CA) exhibits a planned and formal hierarchy of streets and squares which house coherent blocks of properties, many of which are residential and display a traditional design. This provides the CA with architectural interest. Furthermore, the CA encompasses streets which contain many commercial premises including the likes of shops and restaurants. These commercial uses provide the CA with a vibrant character.
18. The street furniture, and alfresco dining the development would result in, is sympathetic to the CA's vibrant character. The development is a modest one, and its visual effects would be limited and would result in no harm to the CA's architectural interest. Therefore, the development would preserve the character and appearance of the CA.

Conditions

19. The Council has not provided a schedule of suggested conditions that it considers would be appropriate in the event the appeal was allowed. However, I have a copy of the last planning permission granted in relation to furniture outside the restaurant¹, a copy of the consultation response from the local highway authority, whilst the appellant's submissions refer to certain types of conditions which would be appropriate. This evidence has assisted me in devising the conditions schedule, and I have also had particular regard to the tests for the imposition of conditions set out within the National Planning Policy Framework and the content of the Planning Practice Guidance (the PPG) on condition use.
20. City Plan Policy 48's supporting text sets out that permission will generally only be granted for outdoor furniture for a temporary period in order to allow the impact to be monitored and re-assessed. The content of the development plan therefore

¹ Planning permission reference 22/08438/FULL

lends substantial support to the grant of a temporary, rather than permanent, permission for the development. Well aligned with this, the PPG advises on the circumstances when it is appropriate to impose temporary permission conditions, and this includes for trial periods to enable an assessment of the effects of the development. Therefore, to permit the effects of the development to be reviewed, I consider it necessary to limit the duration of the permission to 2 years (condition 1). This duration is consistent with the last planning permission granted in relation to furniture outside the restaurant.

21. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Furthermore, in the interests of highway safety, I have imposed condition 3 so that the submitted furniture layout is adhered to, and it is not arranged in an inappropriately dispersed manner. The control exerted by these two conditions means that the local highway authority's suggested conditions in relation to furniture layout and ensuring a minimum width of clear footway are not necessary.
22. Condition 4 restricts the use of the site by customers to certain hours, this is in the interests of limiting the potential for noise and disturbance. Condition 4's purpose is essentially the same as a condition imposed on the last planning permission granted which required the area to be clear of furniture when not in use. However, since I have identified no harm in either of my main issues, nor to the CA, a condition requiring the removal of the furniture at the end of each day is unnecessary, albeit, the restaurant operators may well wish to do so of their own volition in any case.
23. Finally, some of the local highway authority's suggested conditions are provided as condition references only. I expect that these relate to a local list of model conditions, but I do not know their content or purpose and, in the circumstances, I cannot impose them.

Conclusion

24. The development accords with the development plan, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

1. The use hereby permitted shall be for a limited period of 2 years from the date of this decision. On expiration of that 2 year period, the use hereby permitted shall be discontinued, the tables, chairs, benches and planters removed, and the land restored to its former condition in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority.
2. The development hereby permitted shall be carried out in accordance with the following plans:

Site Location Plan
Licensing Plan issue date 13.02.24
3. The tables, chairs, benches and planters associated with the development hereby permitted must be positioned within the site as shown on the approved Licensing Plan issue date 13.02.24 (the Licensing Plan), and no street furniture other than that shown on the Licensing Plan shall be positioned within the site.
4. The development hereby permitted shall only be used by customers between the hours of 11:00 and 23:00.