



City of Westminster

Planning & City Development Committee

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Classification: General Release

**Title: Annual Update on Planning Applications and Appeals Performance
– 2019/20**

Report of: Director of Place Shaping and Town Planning

Financial Summary: None.

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1. Executive Summary

- 1.1 This report presents an annual update on the performance of the Place Shaping and Town Planning department in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals.
- 1.2 The performance of the department over the period between April 2019 and March 2020 continues to significantly exceed the required performance thresholds set by the Ministry of Housing, Communities and Local Government (MHCLG).

2. Recommendation

- 2.1 Members are asked to consider the contents of this report and to note the ongoing good performance of the Place Shaping and Town Planning department in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.

3. Background

MHCLG Planning Application and Appeals Performance Thresholds

- 3.1 The performance of local planning authorities in determining major and non-major development is assessed on a quarterly basis by the MHCLG. The assessment of performance is judged by the MHCLG against two separate measures of performance, which are:
 - the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
 - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

Where an authority does not meet the required performance levels set out in Tables 1 and 2 (below), it can be 'designated' by the MHCLG on behalf of the Secretary of State. Where a local planning authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for determination of the category of applications (i.e. major, Non-Major or both) for which the authority has been designated.

- 3.2 Local planning authorities are required to submit data showing their performance against the speed and quality measures set by the MHCLG on a quarterly basis and this data is published by the MHCLG.

Tables 1 (top) – MHCLG Major and Non-Major Application Speed of Decision Making Performance Indicator Thresholds and **Table 2 (bottom)** – MHCLG Major and Non-Major Application Qualitative Performance (based on percentage of applications subsequently overturned at appeal)

Measure and type of Application	Threshold and assessment period October 2016 to September 2018	Threshold and assessment period October 2017 to September 2019	Live Table
Speed of major Development (District and County)	60%	60%	District - P151a County - P151b
Speed of non-major Development	70%	70%	P153

Measure and type of Application	Threshold and assessment period April 2016 to March 2018	Threshold and assessment period April 2017 to March 2019	Live Table
Quality of major Development (District and County)	10%	10%	District - P152a County - P152b
Quality of non-major Development	10%	10%	P154

(Table extracted from 'Improving Planning Performance – Criteria for Designation (revised 2018)' – MHCLG.)

Full details of the legislative and regulatory background to the MHCLG performance thresholds and designation process can be found in the MHCLG guidance document 'Improving Planning Performance – Criteria for Designation (revised 2018)', which is attached at Appendix 1.

Planning Appeals Process

- 3.3 Following refusal of any planning decision (including listed building and advertisement consents), applicants have the right of appeal to the Secretary of State. This includes appeals made against the non-determination of an application that has passed the statutory time period for determination or against the serving of a formal Notice including a Planning Enforcement Notice, a Listed Building Enforcement Notice and a Discontinuance Notice Enforcement Notice. There is no right of appeal for objectors or other third parties, only the applicant.

- 3.4 An independent Planning Inspector is appointed by the Secretary of State to make the decision. Appeals can be dismissed and permission refused for all, some or even different reasons used by the Council. If an appeal is allowed, planning permission, or a related consent is granted, subject to conditions determined by the Planning Inspector. There are several grounds to enforcement appeals including grounds whereby an appellant argues that permission/consent should be granted for the unauthorised works attacked by the Notice. These appeals are in effect the same as an appeal against a refused planning permission or listed building consent and the policies used to justify the service of the Notice are tested.
- 3.5 There are three types of appeal procedure: written representations, informal hearings and public inquiries. Written representations are the most common, usually used for cases where the planning issues are straightforward and there is limited public interest. Informal hearings consist of a structured discussion, led by the Inspector. Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses.
- 3.6 Appeal decisions are important in monitoring quality of decision-making and testing effectiveness of policy. As referenced in paragraph 3.1, the Secretary of State uses the percentage of decisions overturned on appeal as an indicator of the quality of decisions made by planning authorities.
- 3.7 When an application is refused, the reasons for refusal need to be clear, evidence based and linked to Development Plan policies, otherwise there is a risk that the decision could be overturned on appeal. The same is true for the various forms of Enforcement Notices. If the Council is deemed to have acted unreasonably, there is a risk of an award of costs against the Council irrespective of the appeal decision itself. A costs award can relate to the full or partial cost of the appellant's costs in making the appeal, dependent upon the nature of the unreasonable behaviour and the extent to which this has resulted in the appellant incurring unnecessary costs in making the appeal. Where an appellant has acted unreasonably during the appeal process the Council can also seek a full or partial award of costs.
- 3.8 Appeal decisions are also important as part of the planning history of a site and a material planning consideration when determining any subsequent applications. An appeal decision can indicate how a development could be amended to make it acceptable. Appeal decisions can also be helpful in testing the wording of current policies and indicating where future changes could be made to improve policies or prevent unintended consequences, for example in preparing the new City Plan or Supplementary Planning Documents. Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the National Planning Policy Framework (NPPF) can help to improve local decision making.

4. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 4.1 For the period from April 2019 to March 2020 the City Council met and exceeded the MHCLG performance thresholds for both Major and Non-Major applications. The Major applications threshold was exceeded by 27%, whilst the Non-Major applications threshold was exceeded by 9% (see Tables 3 and 4). Coupled with similar performance for the preceding 2017/ 2018 financial year, the City Council is not at risk of designation in respect of the speed of its decision making.

Tables 3 & 4 – Performance Against MHCLG Thresholds for Major and Non-Major Planning Applications for 1 April 2019 to 30 March 2020 period.

Development Type	Total Decisions	Total Less than 13 weeks	Total PPA's/ EoT's within target	% < 13 weeks or within PPA/EoT Target
Majors	49	3	33	73.5%

Development Type	Total Decisions	Total < 8 weeks	Total PPA's/ EoT's within target	% < 8 weeks or within PPA/EoT Target
Non-Majors	3168	1967	350	73.1%

4.2 The latest data published by the MHCLG for the rolling two-year period up to the end of June 2020 (see Table 5) shows Westminster's performance for Major applications to be 80.2%, whilst performance for Non-Major applications is 75.6%. The latest performance statistics demonstrate that the planning service continues to handle a high volume of applications, whilst also providing timely decision making for the significant majority of applications.

Table 5 – Comparison of speed of major and non-major planning application decision making with other Inner London Local Planning Authorities for 24 month period to end of June 2020.

Local Authority	Major Applications				Non-Major Applications			
	Total Major Applications	Major Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	% of Non-Major Decisions made under PPA, EoT or EIA	% Within 13 Weeks or Agreed Time Limit	Total Non-Major Applications	Non-Major Decisions in agreed time limit (8 Weeks, PPA, EoT)	% of Non-Major Decisions made in time limit using a PPA or EoT	% Within 8 Weeks or Agreed Time Limit
Camden	54	48	90%	88.9%	2,864	2,534	81%	88.5%
City of London	37	32	91%	86.5%	556	524	56%	94.2%
Greenwich	77	77	86%	100%	2,592	2,460	27%	94.9%
Hackney	61	54	94%	88.5%	3,153	2,652	18%	84.1%
Hammersmith and Fulham	47	44	77%	93.6%	2,845	2,534	42%	89.1%
Islington	59	58	88%	99.0%	2,285	2,019	32%	88.4%
Kensington and Chelsea	62	57	74%	91.9%	3,361	2,617	3%	77.9%
Lambeth	80	78	87%	97.5%	3,317	3,097	37%	93.4%
Lewisham	51	50	82%	98.0%	3,312	3,076	34%	92.9%
Southwark	99	75	76%	75.8%	2,849	2,313	19%	81.2%
Tower Hamlets	88	74	95%	84.1%	1,554	1,380	41%	88.8%
Wandsworth	86	83	82%	96.5%	4,705	3,709	17%	78.8%
Westminster	91	73	95%	80.2%	6,208	4,695	15%	75.6%

4.3 Whilst the performance level of other Inner London Boroughs in the determination of Non-Major applications is apparently higher than Westminster, it should be noted that with the exception of Kensington and Chelsea, Westminster uses Extensions of Time (EoTs) and Planning Performance Agreements (PPAs) in the determination of Non-

Major applications the least of any of the Inner London LPAs. This is because Westminster charges for entering into PPAs and seeks to determine applications within the 8 week statutory timeframes, rather than artificially extending the application time period as a matter of normal practice. Conversely other Inner London LPAs more prevalently use EoTs to extend timeframes for determination and/ or do not charge for entering into PPAs on Non-Major development. Some LPAs also invite amendments to schemes prior to validation in order to provide additional time for consultation and processing of applications following validation. Consequently, whilst they are able to achieve higher proportions of decisions within the MHCLG timeframes, this does not necessarily mean that their decision making is in practice faster than that of officers at Westminster.

Quality of Application Decision Making

- 4.4 The quality of decision making by local planning authorities is measured by the MHCLG in terms of the proportion of decisions that are overturned and allowed at appeal over a rolling 24-month period. The threshold for designation is where 10% or more of a local planning authorities' total number of decisions on applications within a given period are overturned. It should be noted that only certain types of planning application are included in the MHCLG appeal performance statistics.

Table 6 – Comparison of quality of major and non-major planning application decisions with other Inner London Local Planning Authorities for 24 month period to between April 2017 and March 2019 (latest period published by MHCLG).

Local Authority	Major Applications				Non-Major Applications			
	Total Major Apps	Total Major Appeal Decisions	Total Major Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	Total Non-Major Apps	Total Non-Major Appeal Decisions	Total Non-Major Decisions Over-turned	Quality of Decisions (% over-turned at appeal)
Camden	74	2	0	0.0%	3,215	154	48	1.5%
City of London	45	0	0	0.0%	523	1	1	0.2%
Greenwich	74	7	1	1.4%	3,021	269	82	2.5%
Hackney	79	1	0	0.0%	3,290	194	75	2.3%
Hammersmith and Fulham	75	6	2	2.7%	3,666	20	87	2.4%
Islington	73	11	2	2.7%	2,662	158	42	1.6%
Kensington and Chelsea	72	9	3	4.2%	3,848	170	69	1.8%
Lambeth	98	13	6	6.1%	4,010	250	81	2.0%
Lewisham	56	3	1	1.8%	3,258	251	65	1.8%
Southwark	151	5	2	1.3%	3,106	87	24	0.8%
Tower Hamlets	101	9	6	5.9%	1,761	90	26	1.5%
Wandsworth	110	3	3	2.7%	5,388	161	49	0.9%
Westminster	105	5	1	1.0%	6,889	209	62	0.9%

- 4.5 The latest data published by the MHCLG for major application appeals demonstrates that in the two years to March 2019 the City Council handled 105 applications of which 5 resulted in appeals and of this number 1 was allowed (see Table 6). As a percentage of the total number of Major applications handled in this period this equates to 1%. This is well below the 10% threshold for designation and an improvement on the previous reporting period to December 2017 during which 1.9% of major applications had been allowed at appeal.

- 4.6 The latest data published by the MHCLG for non-major application appeals demonstrates that in the two years to March 2019, the City Council handled 6,889 applications of which 209 resulted in appeals and of this number 62 were allowed. As a percentage of the total number of non-major applications handled in this period this equates to 0.9%. This is well below the 10% threshold for designation and an improvement on the previous reporting period to December 2017 during which 1.1% of non-major applications had been allowed at appeal.
- 4.7 Westminster’s qualitative performance for determination of major applications compares favourably with other Inner London LPAs, with only Camden, City of London and Hackney performing better in the most recent period. However, all three determine significant fewer major applications than Westminster. When compared with other LPAs that determine circa 100 major applications or more within the relevant period (Lambeth, Southwark, Tower Hamlets and Wandsworth), Westminster’s quality of decision making on major applications is demonstrated to be superior.
- 4.8 When compared with other Inner London LPAs, it is apparent that the quality of Westminster’s non-major planning decisions is amongst the best in Central London with only the decision making of Wandsworth and Southwark of comparable quality. Whilst the City of London has a lower percentage of overturned decisions at appeal, this is based on a thirteenth of the total number of non-major cases and a single appeal decision. As such, the statistics for the City of London are anomalous in terms of demonstrating qualitative performance of decision making.

5. Planning Appeals Performance

Performance Statistics

- 5.1 The annual performance for planning appeals for the most recent full year are set out below in Table 7. The Council sets its own target of 60% for the percentage of appeal decisions it expects to win. Table 7 demonstrates that there was a significant increase in planning appeals relative to the preceding years. During 2018/19 there were 191 appeal decisions and during 2017/18 there were 206 appeal decisions. However, despite the increase in appeal decisions last year, which was due to an increase in telecoms and associated advertisement consent appeals for telephone boxes, the success rate for the Council has improved to 77%, up from 70% in 2017/18 and 69% in 2018/19.

Table 7 – Appeal Performance between 1 April 2019 and 30 March 2020.

Year	Total No. of Appeals	No. of Appeals Allowed	No. of Appeals Dismissed	% of Appeals Dismissed	WCC Target for Appeal Success
2019/20	433	101	332	77%	60%
2018/19	191	60	131	69%	60%

- 5.2 Of the appeal decisions during 2019/20 almost all appeals were written representations. There were no public inquiries and only 3 appeal decisions made following informal hearings. This compares to 2 public inquiries and 3 informal hearings during 2018/19. There were also a small number of fast track householder appeals (22) where an appeal statement is not required.
- 5.3 In terms of types of appeals, a breakdown of appeals won and lost and the types of applications involved is set out below in Table 8. A full summary of the appeals allowed

during 2019/20 and the reasons that the Planning Inspectorate gave for allowing the appeals is provided in Appendix 2.

Table 8 – 2019/20 Appeal Performance by Application Type.

Type of Application	Appeals Decisions Received			
	Allowed	Dismissed	Part Allowed/ Part Dismissed	Combined Total of appeals either Dismissed/ Part dismissed
Full Planning	17	51	1	52 (75%)
Householder	8	12	2	14 (64%)
Approval of Details	3	0	0	0 (0%)
Prior Approval	0	1	0	1 (100%)
Listed Building Consents	5	20	3	23 (82%)
Telecoms	10	129	0	129 (93%)
Adverts	51	93	1	94 (65%)
Enforcement	4	15	0	15 (79%)
Certificate of Lawfulness	1	2	0	2 (67%)
Tables and Chairs	1	0	0	0 (0%)
Trees	1	2	0	2 (67%)
WCC Total	101	325	7	332 (77%)

Appeals following a Committee Decision to Overturn an Officer Recommendation

- 5.4 The majority of the above appeals relate to delegated decisions taken by officers. During the 2019/20 period, there were 7 appeal decisions received which related to applications where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees (while the appeal decision was issued in this period, the length of the appeals process means the Sub-Committee decision may have been taken in previous financial years). Of these 2 appeals were dismissed and 5 were allowed. Of the 5 allowed appeals, 4 related to decisions where the original officer recommendation to grant conditional permission was overturned. These appeal decisions are summarised below:

Table 9 – Allowed Appeals resulting from Committee Overturned Decisions

	Reference No./ Site Address	Proposal and Appeal Outcome
1.	19/00194/FULL 6 Bark Place, London, W2 4AX Sub-Committee Report and Minutes Link	<u>Proposal</u> : Erection of two dormer windows to rear roof slope. <u>Sub-Committee Resolution</u> : The Sub-Committee resolved that the application should be refused on the grounds of overlooking and the size and design of the two rear dormer windows.

	Appeal Decision Link	<p>Reason to Allow: The Inspector found that the proposed dormers would be of modest size, to the rear of the dwellings and would align with the windows below. As such they would not cause harm to the character and appearance of the conservation area. Given the position of the dormers relative to neighbouring properties and the high existing degree of overlooking between properties the Inspector found that the proposal would not have any significant adverse amenity impacts.</p>
2.	<p>17/04194/FULL Westcourt House, 191 Old Marylebone Road, London, NW1 5DZ</p> <p>Sub-Committee Report and Minutes Link</p> <p>Mayor's Stage 2 Response</p> <p>Appeal Decision Link</p> <p>Costs Award Link</p>	<p>Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe/ restaurant in 13 storey plus basement and ground floor building.</p> <p>Sub-Committee Resolution: The Sub-Committee No.1 on 26 June 2018 resolved to grant permission, but following Stage 2 referral on 21 September 2018, the Mayor of London directed refusal of the application on 1 October 2018. Referring specifically to the proposed loading, taxi and servicing bay on Old Marylebone Road, the Mayor directed refusal for the following reason:</p> <p><i>"The proposed loading bay and servicing arrangements would unduly impact on highway, cyclist and pedestrian safety; and would result in the unnecessary loss of a healthy street tree, contrary to policies 5.10, 6.3, 6.9, 6.10 and 7.21 of the London Plan (2016) and policies G1, G5, G7, T2, T4 and T7 of the draft London Plan (2017) and paragraphs 108-110, 127 and 130 of the National Planning Policy Framework (2018)".</i></p> <p>The Mayor stated that he would be minded to withdraw this direction if the applicant were to service the application site from Harcourt Street, as per earlier iterations of the proposed development. However, this was found to be unacceptable at earlier Sub-Committee meetings on 24 October 2017 and 17 February 2018. Accordingly, permission was refused in accordance with the Mayor's Stage 2 direction.</p> <p>Reason to Allow: The main issues were the effect of the development and the servicing and taxi arrangements proposed and the impact on highway safety and street trees. The Inspector concluded that the use of Harcourt Street to service the site would not result in harm to traffic or pedestrians nor would it result in the loss of a street tree. Full costs were awarded against the Council as it was deemed to have acted unreasonably by not being able to provide evidence informed by data to substantiate the reasons for refusal that had been given.</p>
3.	<p>18/01434/FULL 77 Ashley Gardens Thirleby Road, London, SW1P 1HG</p> <p>Sub-Committee Report and Minutes Link</p>	<p>Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.</p> <p>Sub-Committee Resolution: The Sub-Committee heard the proposals for No.77 and No.79 as one item and were not convinced that the air conditioning units, which would need to be operated in 'set back' mode overnight, would operate below the background noise level. The Sub-Committee</p>

	Appeal Decision Link	<p>resolved that permission for both applications be refused (at Nos.77 and 79), on the grounds that the air condenser units would be un-neighbourly and would result in noise and disturbance for the existing residents.</p> <p><u>Reason to Allow:</u> Both appeals were heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.</p>
4.	<p>18/01433/FULL 79 Ashley Gardens, Thirleby Road, London, SW1P 1HG</p> <p>Sub-Committee Report and Minutes Link</p> <p>Appeal Decision Link</p>	<p><u>Proposal:</u> Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.</p> <p><u>Sub-Committee Resolution:</u> See item 3.</p> <p><u>Reason to Allow:</u> See item 3.</p>

Awards of Costs

- 5.5 As set out in paragraph 3.7, costs can be awarded against the Council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could otherwise have been avoided.
- 5.6 During the previous financial year there was only one successful awards of costs against the Council, which related the decision by the Planning Applications Sub-Committee to refuse permission for the redevelopment of Westcourt House, 191 Old Marylebone Road as a hotel on highway obstruction and tree loss grounds (17/04194/FULL), against the recommendation of officers, as summarised above. In this case the Inspector considered the Council had failed to substantiate the highway obstruction reason for refusal with actual evidence of materially adverse impact on the operation of the highway. The costs award against the City Council is in negotiation with the appellant to agree appropriate costs. As such, the financial implications of this cost award have yet to be identified.

6. Virtual Planning Sub-Committee Meetings

- 6.1 In light of the initial lockdown period caused by the Coronavirus pandemic lockdown and subsequent need to incorporate 'Covid Secure' measures when hosting public meetings, the Council has been operating virtual Planning Applications Sub-Committees using Microsoft (MS) Teams video conferencing software for the last 6 months. Prior to this, between February and March 2020 the planning committee meetings had been live streamed and recorded using Civico software, which is a software platform specifically designed to stream and record conventional office based

local authority public meetings. The virtual meetings using MS Teams commenced on 9 April and public speaking for Ward Councillors was reintroduced at the Sub-Committee meeting on 12 May, with other speakers able to make verbal representations from 26 May onwards.

- 6.2 To date there have been 14 virtual Planning Applications Sub-Committees and data demonstrating the levels of public engagement for each committee meeting is provided at Appendix 3. The data shows that the virtual meetings, which were swiftly introduced following the coming in to force of temporary enabling legislation on 2 April 2020, initially attracted significant interest, not only from applicants and other parties interested in specific items on agendas, but also from the development industry at large. A total of 247 viewers watched the first virtual meeting with 129 watching the second meeting and 133 watching the third meeting.
- 6.3 Additional analysis of the viewers from outside the Council for the first three virtual committee meetings indicates that a number of the viewers were from other local authorities and some were from persons attending or working at academic establishments. It is therefore clear that the initial meetings attracted viewers interested in replicating Westminster's virtual planning committees and studying the general response and adaption of the Council to the unique circumstances and constraints of the pandemic lockdown period. These factors combined with a backlog of more complex cases contributed to significantly higher viewer numbers for the first three virtual committee meetings.
- 6.4 Following the third virtual committee meeting on 26 May, the data shows that the number of viewers has transitioned back towards normal expected levels of between 40 to 80 viewers, depending upon the number of items on a given agenda and scale and complexity of the applications under consideration. This viewer level is consistent with the viewer levels experience prior to the switch to virtual planning committees. The data indicates that on average 43% of those viewing the committee meetings are professional representatives of applicants or applicant employees. The remaining 57% comprise other interested parties, such as persons viewing on behalf of amenity societies/ forums and residents.
- 6.5 The proportion of viewers watching the recordings of the committee meetings subsequent to the live streaming of the event is relatively low at present (11% of total viewers on average). This may be a result of the link to the MS Teams virtual meeting recordings being less visible and accessible relative to the Civico system, which hosts all of the recordings made prior to April 2020 on a single easily navigable home screen embedded within the Council's website. Conversely, the MS Teams meeting recordings are only accessible via the link embedded in the committee meeting agenda.
- 6.6 This and other limitations resulting from the use of MS Teams for hosting public meetings will shortly be overcome as Civico have developed a remote app over the last 6 months that will now allow the Council to use the Civico software platform to host virtual meetings. Officers are currently testing the Civico remote access app with the intention that virtual Planning Applications Sub-Committee meetings will be hosted using the Civico software platform by the end of November 2020.

7. Financial Implications

- 7.1 None. A contingency fund is already allocated within the Place Shaping and Town Planning budget to allow for costs awards at appeal and there is no requirement arising from this report for this to be increased.

8. Legal Implications

8.1 None.

9. Conclusion

9.1 Having regard to the significant volume of applications and appeals that are received annually by the City Council, the Place Shaping and Town Planning department has performed well against the MHCLG performance indicators and these demonstrate that the department is providing a good service in terms of both the speed and quality of planning outcomes it delivers to applicants and other stakeholders.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

Background Papers:

1. Improving Planning Performance – Criteria for Designation (revised 2018) – MHCLG (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
2. Allowed Appeal Decision Summaries for 2019/20.
3. MS Teams Planning Applications Sub-Committee Data.

Appendix 1 – Improving Planning Performance – Criteria for Designation (revised 2018) – MHCLG (see link)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf

Appendix 2 – Allowed Appeal Decisions of Note 2019/20 Summary

All appeals which have been allowed during 2019/20 are set out below.

April 2019

Flat 1 16 Belgrave Gardens London NW8 0RB - 18/06948/FULL (Delegated Decision)

Proposal: Excavation to provide extended basement front room under the front courtyard. Relocation of access stairs in front lightwell down to lower ground floor flat.

Reason to Allow: Inspector found that as a result of the scale of the development, the size of the existing frontage and limited landscaping, and the mixed character of the frontages in the area, alongside the retention of the front boundary wall, the development would preserve the character and appearance of the St John's Wood Conservation Area. He noted the development would not comply wholly with the requirements of Policy CM28.1 in terms of the landscaping and undeveloped margin land, but concluded the above considerations outweigh the conflicts in this instance.

1 Gloucester Mews West London W2 6DY - 18/04329/FULL (Committee Decision – following officer recommendation)

Proposal: Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.

Reason to Allow: Inspector found that whilst the existing roofline is largely unaltered, the positioning of the extension in proximity to the taller buildings of Chilworth Street and Cleveland Square, the proposed set back and the contemporary contrast, would preserve the character and appearance of the Bayswater Conservation Area and would not harm the setting of nearby Listed Buildings.

31 Hamilton Terrace London NW8 9RG - 18/02753/CLEUD (Delegated Decision)

Proposal: External domestic heating and air conditioning unit at rear first floor rear balcony level.

Reason to Allow: Inspector found that the replacement unit had not resulted in a material change to the external appearance of the building and did not therefore constitute an act of development. Furthermore, given that it occurred more than four years prior to the date of application the certificate should be issued and the appeal was allowed.

May 2019

138 Ebury Street London SW1W 9QQ - 18/08892/FULL (Delegated Decision)

Proposal: Extension at rear lower ground floor, ground floor and first floor levels, to enlarge the two residential flats. Railings and stair at rear ground floor to provide access to lower ground floor patio and Juliet balcony at rear first floor level

Reason to Allow: Inspector found that the rear of the terrace to this part of Ebury Street is of less significant interest and has a varied character and there are limited views towards the rear. As such, unacceptable harm would not be caused to the character and appearance of the host building, the terrace of which it forms part, and the conservation area, the significance of which as a designated heritage asset would not be diminished.

June 2019

Eresby House Rutland Gate London SW7 1BG - 18/05960/FULL (Delegated Decision)

Proposal: Extension of rear dormer at seventh floor level to accommodate new passenger lift.

Reason to Allow: Inspector found that the proposal was a minor alteration at roof level which, although visible in long views, would be viewed in the context of other roof alterations and additions. The width of the dormer window would remain the same and the proposal would be faced in the same materials

as currently exist. As such, the proposal would preserve the character and appearance of the conservation area.

July 2019

6 Bark Place London W2 4AX – 19/00194/FULL (Committee Decision – officer recommendation overturned)

Proposal: Erection of two dormer windows to rear roof slope.

Reason to Allow: Inspector found that the proposed dormers would be of modest size, to the rear of the dwellings and would not cause harm to the character and appearance of the conservation area, nor would they result in a loss of privacy to nearby occupiers.

58 Lancaster Mews London W2 3QG - 18/09257/FULL (Delegated Decision)

Proposal: Variation of condition 1 of planning permission dated 6 June 2018 (RN: 18/01851/FULL) for Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over basement, ground, first and second floors, with terrace at rear second floor level. NAMELY, to alter the design of the rear roof level extensions.

Reason to Allow: Inspector found that while the dormer would be larger than the previously approved scheme, and in a relatively modern design, it would be read against the mix of roof types which create the roofscape of Lancaster Mews. As such the character and appearance of the conservation area would be preserved.

67 Wimpole Street London W1G 8AP - 18/03682/FULL (Delegated Decision)

Proposal: Use of basement for office (Class B1) purposes.

Reason to Allow: Inspector found that the majority of the large existing family dwelling house would remain in Class C3 residential use. The basement space that would be lost is ancillary to the main residential living space; this area is dark and not suitable to accommodate habitable rooms. He concluded that the proposal would not result in a detrimental loss of residential accommodation or be harmful to the supply of housing mix in the locality. As such, whilst he found the loss of residential floorspace to be contrary to policy S14 of the Westminster City Plan, he concluded the material considerations in this case justified allowing the appeal.

August 2019

81 Hamilton Terrace London NW8 9QX - 18/09983/FULL (Delegated Decision)

Proposal: Erection of single storey rear extension at ground floor level and replacement of external staircase to rear with staircase.

Reason to Allow: Inspector found that the proposed extension would be subordinate to the existing building, would 'float above the rear garden' and as it would be limited to the rear and not effect the vistas on Hamilton Terrace. As such, it would not harm the character and appearance of the host property or the wider conservation area.

28 Hill Street London W1J 5NW - 18/10171/FULL (Delegated Decision)

Proposal: Installation of two security railings to the front windows of the ground floor.

Reason to Allow: Inspector found that the proposal would be a minor change, that the railings use colour and materials common in the vicinity and as such proposals would have a neutral impact on the character and appearance of the conservation area and the settings of surrounding listed buildings.

23-26 Lancaster Gate London W2 3LP - 18/09861/ADFULL & 18/09866/ADLBC (Delegated Decision)

Proposal: Details of dry riser inlet pursuant to Condition 5(b) of planning permission dated 26 July 2017 (RN: 17/02860/FULL).

Reason to Allow: Inspector found that other similar hotels in the area demonstrate that such features associated with a hotel use can assimilate relatively easily. Proposal found to be a subtle solution that does not result in the loss of, or damage to, historic fabric.

24 Linhope Street London NW1 6HT - 18/09782/FULL (Delegated Decision)

Proposal: Use of flat roof at rear second floor level as a terrace and installation of a timber fence (retrospective application).

Reason to Allow: Inspector found that the terrace is not clearly visible from the public domain and the design and materials used in its construction do not cause harm to the character or appearance of the conservation area, nor does it adversely affect the living conditions of the adjoining occupiers in terms of overlooking and loss of privacy.

26 Montpelier Place London SW7 1HW - 19/01759/FULL (Delegated Decision)

Proposal: Two storey infill extension of lightwell to rear elevation and one storey extension to rear closet wing and replacement of railings to existing roof terrace

Reason to Allow: Inspector found that the proposal would remain subservient to surrounding buildings, and the proposal would not adversely affect the principal rooflines seen locally.

157A Shirland Road London W9 2EP - 18/10075/FULL (Delegated Decision)

Proposal: Creation of roof terrace at rear ground floor level and replacement of rear facing window with a door.

Reason to Allow: Inspector found that given the limited scale of the terrace and likely level of usage the noise generated is unlikely to be significant. Whilst there would be views from the terrace into the rear garden these would be oblique views and unlikely to harm the privacy of neighbouring occupiers.

September 2019

84B Carlton Hill London NW8 0ER - 17/66189/P

Proposal: Enforcement Appeal - Unauthorised doors to rear extension.

Reason to Allow: The City Council maintained that whilst the extension is a modern extension to the 1950's addition, it also spans from, and is read in the context of the historic core of the heritage asset. In this setting, the full width glazed opening attacked by the enforcement notice was considered to compete with the formal rear elevation, which is characterised by its solid form and punched openings, which respond to the internal plan form and hierarchical arrangement characteristic of buildings of this age and architectural style. However, the Inspector disagreed and concluded that the changes to the glazing with wider piers and a wide section of glazing did not make a noticeable difference to the modern nature of the structure as permitted. The Inspector therefore considered that listed building consent could be granted for the installation of fenestration to the north facing elevation of the ground floor rear extension and the enforcement notice was quashed.

84B Carlton Hill London NW8 0ER - 16/61698/P

Proposal: Enforcement Appeal - Removal of internal wall at ground floor level.

Reason to Allow: Inspector concluded that the plan form of this Grade II listed building, where the wall was removed, did not make a material contribution to the significance and architectural and historic interest of the building. The Inspector acknowledged the Council's view that there has been a loss of historic fabric in the way the building was laid out but found the overall impact to be negligible. The Inspector therefore concluded that listed building consent should be granted for the removal of the wall and internal door and the enforcement notice was quashed.

22 Weymouth Street London W1G 7BN - 18/09929/FULL & 18/09930/LBC (Delegated Decision)

Proposal: Installation of four lightwells, associated pavement grilles and evergreen hedgerow at front elevation; reinstatement of a lantern light is over the principal stair, including internal alterations.

Reason to Allow: Inspector found that the installation of four lightwells and associated pavement grilles at front elevation would harm the significance of the listed building and the character and appearance of the Harley Street Conservation Area and therefore dismissed this part of the appeal. However, he

resolved that the other proposals were acceptable and allowed the other elements of the appeal in a split decision.

October 2019

Avery House 1 - 3 Avery Row London W1K 4AJ - 18/08502/FULL (Delegated Decision)

Proposal: Use of first-floor flat roof as a smoking area in association with the basement to second floor restaurant, erection of metal pergola structure, glazed balustrade and the installation of planters.

Reason to Allow: Inspector found that the design of the proposal ensures the host building is still visible and clearly identifiable and its modern lightweight design and landscaping would not be at odds with the prevailing character of this part of the conservation area. The lightweight design would also allow light to penetrate through the development and planting would provide suitable mitigation to the outlook from adjoining windows and concluded that the development would not significantly harm the living conditions of adjoining occupiers.

22 Clifton Hill London NW8 0QG - 19/00782/FULL & 19/00585/LBC (Delegated Decision)

Proposal: Replacement fence to rear garden boundary.

Reason to Allow: Inspector found the fence proposed along the front boundary wall to be harmful to the setting of the listed building and the character and appearance of the St. John's Wood Conservation Area. The appeal was dismissed in respect of this aspect. However, the Inspector made a split decision and allowed the fences to the rear garden boundary walls.

4 Clifton Hill London NW8 0QG - 19/03633/ADFULL (Delegated Decision)

Proposal: Details of the colour of the render pursuant to condition 4 of planning permission dated 9 April 2019 (RN:19/01133)

Reason to Allow: Inspector found that whilst historically stucco would have been painted white, there is now no prevailing colour for properties along Clifton Hill, nor within the surrounding streets and there are several examples of properties in varying colours including a number of Grade II listed buildings. The Inspector therefore allowed the use of pink render.

7 - 14 Coventry Street London W1D 7DH - 19/02647/ADV (Delegated Decision)

Proposal: Display of two internally illuminated suspended lettering signs measuring 0.49m x 3.55m; an internally illuminated fascia sign measuring 0.99m x 0.9m; two non-illuminated flags measuring 2.2m x 1.25m on flagpoles at first floor level; two non-illuminated banners at first to second floor levels, and four externally illuminated columns measuring 2.4m x 0.72m (retrospective).

Reason to Allow: Inspector chose to make a split decision, allowing the circular illuminated fascia sign affixed to the building and the two hanging illuminated fascia signs, which he found did not harm the amenity of the area. However, the Inspector dismissed the appeal in respect of the two flag advertisements, which he concluded failed to preserve or enhance the character or appearance of the conservation area or the setting of the adjacent listed buildings

134 Edgware Road London W2 2DZ - 19/02491/FULL (Delegated Decision)

Proposal: Installation of replacement shopfront and retractable awning.

Reason to Allow: The Inspector concluded the shopfront would have a harmful impact on the appearance of the building and the largely openable nature of the shop front would give rise to noise disturbance to neighbouring residents. As such, he dismissed this part of the appeal. However, he allowed the appeal in respect of the awning, finding that it would not harm the appearance of the building.

47 Kinnerton Street London SW1X 8ED - 19/03360/FULL (Delegated Decision)

Proposal: Retention of fence to rear roof terrace at first floor level.

Reason to Allow: Inspector found that the courtyard was already enclosed and the outlook from the windows facing towards this area was limited, as a result of the close-knit nature of development in the area. Although the new fence increases the height of enclosure on the boundary, it was a less

permeable type of boundary treatment to that which existed previously and therefore does not have an overbearing effect and has not resulted in harm to the living conditions of the adjoining occupiers.

27 Rutland Gate London SW7 1PD - 18/06601/LBC (Delegated Decision)

Proposal: Erection of extensions at rear first, second and third floor levels (Montpelier Walk elevation). Installation of railings and formation of a roof garden to rear second floor flat roof area. Infill of internal light well to ground and first floors levels. Associated internal alterations.

Reason to Allow: The Inspector part allowed the appeal finding that the erection of an extension at rear first floor level (Montpelier Walk elevation), infill of internal light well to ground and first floor levels and associated internal alterations would not harm the significance of the listed building or the character and appearance of the Knightsbridge Conservation Area. The Inspector agreed with Council that the erection of extensions at rear second and third floor levels (Montpelier Walk elevation) and installation of railings and formation of roof garden to rear second floor flat roof area were harmful and the appeal was dismissed in respect of these alterations.

110 Vauxhall Bridge Road London SW1V 2RQ - 17/06307/FULL (Delegated Decision)

Proposal: Erection of rear extension at second and third floor levels and associated external alterations.

Reason to Allow: Inspector found that the extension would not harm the character and appearance of the host building or the conservation area and there would be no loss of significance to any heritage asset.

28 Wilton Place London SW1X 8RL - 18/08467/LBC (Delegated Decision)

Proposal: Replacement of existing dumb waiter with a lift (retrospective).

Reason to Allow: Inspector found that the house has been subject to alterations during the 20th Century and there had been a pre-existing dumb waiter and the same location. Overall it is noted that extent of loss of historic fabric would be limited and the lift is positioned to the rear where rooms of lesser importance are located. On balance the Inspector concluded that the works preserve the special architectural and historic interest of the listed terrace.

28 Wilton Place London SW1X 8RL - 18/03674/LBC (Delegated Decision)

Proposal: Internal alterations for installation of cooling and heating system.

Reason to Allow: Inspector found that the noted that the house has been subject to alterations during the 20th Century and the works appear to use largely existing service runs and routes of previous pipework and most of the radiators replace previous radiators. On balance the Inspector concluded that the works preserve the special architectural and historic interest of the listed terrace.

November 2019

318-324 Edgware Road London W2 1DY - 18/10876/FULL (Delegated Decision)

Proposal: Erection of roof extension to form new fourth floor level and use of new floor level as 2x2 bedroom flats (Class C3).

Reason to Allow: Inspector found that given the inconsistent roofscape of the wider streetscape, the proposal would not look out of character with its neighbouring properties as a result and the roof would be acceptable in terms of form and design.

12 Garway Road London W2 4NH - 19/00995/FULL & 19/01102/LBC (Delegated Decision)

Proposal: Variation of Condition 1 and removal of Condition 5 of planning permission dated 5 February 2019 (RN: 18/08673) which varied condition 1 of planning permission dated 19 June 2018 (RN: 17/01993/FULL) for the level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and removal of tree from rear garden to allow the provision of skylight to rear basement in the back garden. (Linked to 18/08813/LBC); NAMELY to substitute the decorative grille with a frosted glass panel.

Reason to Allow: The Inspector found that the new rooflight would have limited prominence, would not involve loss of historic fabric and therefore concluded this would preserve the special interest of the listed building and character and appearance of the conservation area.

Basement and Ground Floor 54 Queensway London W2 3RY - 19/00475/FULL (Delegated Decision)

Proposal: Variation of condition 9 of planning permission dated 19 April 2018 (RN: 18/00574/FULL) which itself varied conditions 3 and 4 of planning permission dated 29 August 2017 (RN: 17/00786/FULL) for the Use of ground floor and basement as hot food take-away (Class A5). NAMELY, to enable our client to utilise a delivery and collections service in association with the approved A5 hot food takeaway.

Reason to Allow: Inspector found that a delivery service could be accommodated within the existing environment of the street, during the same hours as the existing opening times, without giving rise to adverse impacts on neighbouring residents, taking into account the high levels of existing activity within the immediate locality, which include a number of takeaway delivery services and a predominant noise environment of vehicular traffic. The Inspector concluded that the introduction of a delivery service would result in negligible additional impacts so long as its hours of operation are restricted to be in keeping with the existing take-away.

8 South Eaton Place London SW1W 9JA - 19/01518/FULL & 19/01519/LBC (Delegated Decision)

Proposal: Erection of a rear extension to the closet wing between lower ground and third floor level to accommodate passenger lift.

Reason to Allow: Inspector found that the extension would be of limited scale and noted similar closet wing extensions can be found to nearby properties. Consequently, it would preserve the character of the conservation area, that there would be no harm to living conditions of adjoining occupiers but that the new lift would cause some less than substantial harm to the listed building. The Inspector considered the increased accessibility of the property to be an albeit limited public benefit and therefore allowed the appeal despite the identified harm.

December 2019

Westcourt House 191 Old Marylebone Road London NW1 5DZ - 17/04194/FULL (Committee Decision – officer recommendation overturned)

Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe/restaurant in 13 storey plus basement and ground floor building.

Reason to Allow: This was an appeal relating to a Sub-Committee decision where the Sub-Committee overturned the officer recommendation. The main issues were the effect of the development and the servicing and taxi arrangements proposed and the impact on highway safety and street trees. The Inspector concluded that the use of Harcourt Street to service the site would not result in harm to traffic or pedestrians nor would it result in the loss of a street tree. Full costs were awarded against the Council as it was deemed to have acted unreasonably by not being able to provide clear evidence to substantiate the reasons for refusal.

Fantasia Palace 28 Praed Street W2 1NH - 19/04319/TCH (Delegated Decision)

Proposal: Use of public highway for the placing of four canopies, eight tables, 24 chairs, four planters (in an area measuring 1.2m x 13.2m on the South Wharf Road frontage) and placing of two canopies, three tables, 12 chairs and four planters (in an area measuring 1.2m x 5m on the Praed Street frontage) in connection with existing use.

Reason to Allow: Inspector considered that sufficient clear pavement would be maintained to safely accommodate pedestrian flows and proposals would not be significantly different to others previously approved on this site. The Inspector concluded that timber planters associated with outdoor seating areas are not unusual features outside restaurants, pubs or cafes in shopping areas and would not appear out of place.

Parnell House 25 Wilton Road London SW1V 1EJ - 19/00615/ADV (Delegated Decision)

Display of two internally illuminated high level vertical fascia signs, two internally illuminated projecting box signs and two internally illuminated fascia signs facing onto Vauxhall Bridge Road and Wilton Road.

Reason to Allow: Inspector found that internally illuminated signs of the proposed size and height above ground are not common features within the immediate surroundings, but considered that the signs would be compatible with the design of Parnell House and they would be viewed in the context of a busy commercial area. As such, the signage would not appear unduly dominant or unacceptably add to the amount of street clutter in this particular location, and would preserve the setting of the nearby listed buildings.

January 2020

77 Ashley Gardens Thirleby Road London SW1P 1HG - 18/01434/FULL (Committee Decision – officer recommendation overturned)

Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.

Reason to Allow: This appeal was heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.

79 Ashley Gardens Thirleby Road London SW1P 1HG - 18/01433/FULL (Committee Decision – officer recommendation overturned)

Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.

Reason to Allow: This appeal was heard at an Informal Hearing held in November 2019. The main issue was the impact of the air conditioning units on the living conditions of neighbouring occupiers. The Inspector found that the air conditioning equipment would operate at a sufficient level below the background noise level so as to accord with ENV6 and ENV7 in the UDP and S29 and S32 in the City Plan. The Inspector accepted a Unilateral Undertaking from the applicant that undertook to only implement one of the permissions for this flat (i.e. either this permission or an earlier one for the same property) so that the cumulative noise impact would not exceed the maximum levels permitted by Policy ENV7.

93 Warrington Crescent London W9 1EH - 19/02726/FULL & 19/02727/LBC (Delegated Decision)

Proposal: Erection of a roof extension at third floor level to create five additional hotel rooms for the public house.

Reason to Allow: Inspector allowed the appeal after concluding that the proposed extension would be consistent with the development plan, national policy and relevant SPG and would preserve the listed building, along with the character and appearance of the Maida Vale Conservation Area.

February 2020

Hill Road London NW8 9QG - 19/00161/TPO

Proposal: Fell 1 x lime tree (T1).

Reason to Allow: Inspector found that the lime tree had recently been pollarded leaving only the main trunk and consequently it had a truncated and unnatural form. Its removal would therefore have a negligible impact on the street scene and appearance of the conservation area. Conditions were imposed requiring the planting and future maintenance of a replacement tree. The reasons of nuisance and maintenance given by the applicant would not normally justify the removal of a protected

tree. However, Inspector found that its reduced amenity value provided sufficient justification for removal.

350 Kilburn Lane London W9 3EF - 19/01939/FULL (Delegated Decision)

Proposal: Erection of rear extensions at first and second floor levels.

Reason to Allow: Inspector found that the proposal would increase the scale and massing of the existing built form at second floor to the rear of the terrace compared to the previously approved scheme but nonetheless considered the proposal would be subservient to the host property and its appearance would respond to the design of the terrace and the nearby area. The Inspector concluded that the protection of a neighbouring TPO tree could be addressed by planning condition.

80 Queensway London W2 3RL - 17/63809/U

Proposal: Enforcement Appeal - Change from Class A1 retail unit to nail bar/beautician Class A2

Reason to Allow: The appellant has maintained that the change of use occurred during 2016; although the Planning Enforcement Team disputed this assertion. The Inspector found on the balance of probability based on all the evidence before him, that sufficient physical works to facilitate the material change of use as alleged on the notice had occurred prior to the date when the Article 4 direction preventing changes of use from Class A1 to A2 came into force. The Inspector concluded that planning permission was therefore not required for the change of use.

St James's Market London SW1Y 4SB - 19/03740/FULL (Delegated Decision)

Proposal: Erection of 3 antennae, 3 cabinets, 15 remote radio heads and associated works on the roof of the existing building.

Reason to Allow: Inspector found that there would be very few opportunities to view the proposed equipment from the ground level, and the new equipment would be very small in comparison with the size of the building. The inspector identified no harm to the character and appearance of the Haymarket Conservation Area, setting of other designated heritage assets or the protected view and concluded proposals are acceptable.

38 St John's Wood Terrace London NW8 6LS - 18/68029/O

Proposal: Enforcement Appeal - Light fittings at first floor level on front and side elevations.

Reason to Allow: This was one of four enforcement notices served against the premises. The other 3 appeals were dismissed. The Inspector found that the 7 light fittings fixed around both elevations of the building above fascia level were limited size, relatively discreet in appearance and given the size of the building, they do not materially affect the external appearance of the building. The Inspector concluded that they are not development under section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (as amended).

March 2020

106 Denbigh Street London SW1V 2EX - 19/04158/FULL (Delegated Decision)

Proposal: Erection of a two-storey extension to rear closet wing at first and second floor levels.

Reason to Allow: The Inspector found that whilst there are no extensions rising to four storeys within this part of Denbigh Street (nos.90-112), he did not concur that the proposal would be incongruous with the existing rear extensions, as there is existing variation across this portion of the terrace with closet wings of either two or three storeys. The Inspector concluded that also considered that the proposal would have a neutral impact upon the conservation area.

42-44 Grosvenor Gardens London SW1W 0EB - 19/02061/FULL & 19/02062/LBC (Delegated Decision)

Proposal: Use of the second-floor terrace as a breakout space ancillary to the existing B1 office accommodation, and the installation of decking and the erection of a safety fence along the perimeter of the terrace.

Reason to Allow: Inspector found that the proposals would not result in any harm to the listed building, listed terrace or conservation area given the 'back of house' architectural context. Given the presence

of existing fall protection for maintenance access, he considered that the use of contrasting (non-traditional) materials for the new fall protection (Perspex or glass panels) would be appropriate. He acknowledged that the character and use of this roof area would change but considered that the terrace would not harm the proportions or the architectural integrity of the building or terrace. He found that the residential amenity impacts could be addressed through conditions.

144 Marylebone Road London NW1 5PH - 19/09203/ADV (Delegated Decision)

Proposal: Display of one internally illuminated projecting sign measuring 0.5m x 0.5m, one internally illuminated lightbox sign (behind window) measuring 0.1m x 0.35m and an awning.

Reason to Allow: The Inspector found that there were other similar internally illuminated signs in the vicinity of the site. Therefore, he concluded that the signage proposed was not dissimilar to other projecting signage in the vicinity, and that it would be of suitable size, design and illumination and it would not harm the building or the character and appearance of the conservation area.

Other Appeals

BT 'In-Link' and Maximum Networks public telephones and associated advertisements - Multiple Locations

Telecoms RNS: 18/00889/TELCOM, 18/00943/TELCOM, 18/00885/TELCOM, 18/00881/TELCOM, 18/08381/TELCOM, 18/08367/TELCOM, 18/08382/TELCOM, 18/08389/TELCOM, 18/08393/TELCOM, 18/08400/TELCOM.

Advertisement Consent RNS: 18/10636/ADV, 18/06488/ADV, 18/07399/ADV, 18/00701/ADV, 18/07537/ADV, 18/07404/ADV, 18/04613/ADV, 18/06996/ADV, 18/07019/ADV, 18/07396/ADV, 18/07004/ADV, 18/04415/ADV, 18/06489/ADV, 18/06986/ADV, 18/04523/ADV, 18/04403/ADV, 18/06975/ADV, 18/06978/ADV, 18/07458/ADV, 18/07389/ADV, 18/07387/ADV, 18/06998/ADV, 18/07406/ADV, 18/07407/ADV, 18/07457/ADV, 18/07000/ADV, 18/04600/ADV, 18/07603/ADV, 18/06980/ADV, 18/06982/ADV, 18/07452/ADV, 18/07050/ADV, 18/04614/ADV, 18/07416/ADV, 18/07278/ADV, 18/04623/ADV, 18/06971/ADV, 18/07039/ADV, 18/07009/ADV, 18/06969/ADV, 18/10517/ADV, 18/06693/ADV, 18/07535/ADV, 18/07047/ADV, 18/06441/ADV, 18/07274/ADV, 18/06445/ADV, 18/06449/ADV, 18/04395/ADV, 18/10013/ADV.

The prevailing rationale for allowing these appeals was that the Inspectors considered that the telephone boxes/ structures did constitute permitted development and that they would not result in undue proliferation of street clutter or obstruct the highway and the advertisements would not be intrusive and would not cause harm to visual amenity nor would they have a harmful effect on public safety.

Appendix 3 – MS Teams Planning Applications Sub-Committee Data

All Viewers (Live & Recording)	14-Apr	28-Apr	12-May	26-May	09-Jun	23-Jun	07-Jul	21-Jul	04-Aug	18-Aug	01-Sep	15-Sep	29-Sep	13-Oct		
Sub-Committee	No.1	No.2	No.3	Major	No.1	No.2	No.3	Major	No.1	No.2	No.3	Major	No.1	No.2		
No. of Items on Agenda	11	5	5	5	7	6	6	4	6	8	5	4	10	6	Total	Ave.
External	Data Unavailable	115	118	81	41	24	40	53	42	43	32	28	85	42	744	57.2
Of which General Observers (including residents)		57	63	40	21	16	23	26	22	27	29	15	62	24	425	32.7
Of which Professional Agents or Applicants		58	55	41	20	8	17	27	20	16	3	13	23	18	319	24.5
% of Total External that are Prof. Agents or Applicants		50%	47%	51%	49%	33%	43%	51%	48%	37%	9%	46%	27%	43%	43%	
Internal Officers (excl. Committee Staff)		9	14	5	4	2	6	1	1	2	2	2	3	15	66	5.1
Members (excl. Members of the Committee)		5	1	0	1	0	1	0	2	2	0	1	1	1	15	1.2
Total Viewers	247	129	133	86	46	26	47	54	45	47	34	31	89	58	825	

Viewers Watching Recording (i.e. Not Live)	14-Apr	28-Apr	12-May	26-May	09-Jun	23-Jun	07-Jul	21-Jul	04-Aug	18-Aug	01-Sep	15-Sep	29-Sep	13-Oct	Total	Ave.
External	Data Unavailable	14	14	10	4	1	2	7	11	6	7	2	6	1	85	6.5
Internal		1	1	1	1	0	2	0	1	1	0	0	1	0	9	0.7
% of Total 'Catch Up' Viewers		12%	11%	13%	11%	4%	9%	13%	27%	15%	21%	6%	8%	2%	11%	