



City of Westminster

Planning & City Development Committee

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Title: Annual Update on Planning Applications and Appeals Performance – 2020/21

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 Town Planning service 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 2020 and March 2021 continues to 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 overall good performance of the Town Planning service in terms of its performance in the determination of planning applications and defending decisions to refuse permission at appeal.

3. Background

MHCLG Planning Application Speed and Quality Performance Thresholds

- 3.1 The performance of local planning authorities (LPAs) in determining major and non-major development is assessed by the MHCLG over a 24-month rolling period after every quarter. The assessment of performance is judged by the MHCLG against two separate measures of performance, as set out in 'Improving Planning Performance – Criteria for Designation (revised 2020)', 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.

- 3.2 For major applications the MHCLG sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant. For non-major development the MHCLG threshold is 70%.
- 3.3 The MHCLG measures the quality of decision making by LPAs by monitoring their success rate at appeal. For both major and non-major development, the MHCLG sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal.
- 3.4 Where an LPA does not meet or exceed these thresholds, it can be 'designated' by the MHCLG on behalf of the Secretary of State. Where an LPA is designated, it must produce an improvement plan for areas of weakness and applicants may apply directly to the Planning Inspectorate for determination of the category(ies) of applications for which the authority has been designated.

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 determine appeals. Appeals can be dismissed and permission refused for all, some or even different reasons to those 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 of appeal against enforcement notices, 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 refusal of 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. Over the past 15 months the use of digital technology by the Planning Inspectorate has become common place to enable the holding of public inquiries and hearing during the pandemic. The use of virtual or hybrid formats for holding inquiries and hearing is set to continue following the easing of Coronavirus restrictions, as they have been found to make appeals attracting significant public interest significantly more accessible for participants.
- 3.6 Appeal decisions are important in monitoring quality of decision-making and testing effectiveness of policy. As referenced in paragraph 3.1 and 3.3, 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. 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 future local decision making.

4. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 4.1 For the one-year period from April 2020 to March 2021 the City Council met and exceeded the MHCLG performance thresholds for both major and non-major applications. The major applications threshold was exceeded by 14%, whilst the non-major applications threshold was met. Performance for 2020/21 is shown with comparative data for 2019/20 in Tables 1 and 2.

Table 1 – Performance Against MHCLG Thresholds for Major Planning Applications.

Year	Total Decisions	Total under 13 weeks/ PPA's or EoT's within target	% < 13 weeks or within PPA/EoT Target
2020/21	35	26	77%
2019/20	49	36	74%

Table 2 – Performance Against MHCLG Thresholds for Non-Major Planning Applications.

Year	Total Decisions	Total under 13 weeks/ PPA's or EoT's within target	% < 8 weeks or within PPA/EoT Target
2020/21	2534	1771	70%
2019/20	3168	2317	73%

- 4.2 The latest data published by the MHCLG for the rolling 24-month period up to the end of March 2021 (see Tables 3 and 4) shows Westminster's performance for major applications to be 75%, whilst performance for non-major applications is 72%. 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.
- 4.3 The timeliness of decision making has been impacted over the period since June 2020 by the constraints imposed by the pandemic on assessment of applications. To address

this, senior officers are taking appropriate steps to improve data monitoring within the department to drive greater focus within the planning teams on speed of decision making, albeit it not at the expense of the quality of decision making or customer service.

Table 3 – Comparison of speed of major application decision making with other Inner London Local Planning Authorities for 24-month period to end of March 2021.

Local Authority	Total Major Apps	Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	% of Apps that had a PPA, EoT or EIA	% Within 13 Weeks or Agreed Time Limit	% change on previous performance for 24 months to June 2020
Camden	55	48	81.8%	87.3%	-1.6%
City of London	27	24	88.9%	88.9%	+2.4%
Greenwich	68	68	91.2%	100%	0%
Hackney	83	78	86.7%	94.0%	+5.9%
Hammersmith and Fulham	43	42	78.4%	97.7%	+4.1%
Islington	51	49	78.4%	96.1%	-2.9%
Kensington and Chelsea	55	52	76.4%	94.5%	+2.6%
Lambeth	80	78	89.9%	100%	+2.5%
Lewisham	43	42	76.7%	97.7%	-0.3%
Southwark	86	79	81.4%	91.9%	+16.1%
Tower Hamlets	97	74	85.6%	90.7%	+5.9%
Wandsworth	86	83	80.4%	95.7%	-0.8%
Westminster	84	63	85.7%	75.0%	-5.2%
Inner London Average	66	60	-	90.9%	-

Table 4 – Comparison of speed of non-major planning application decision making with other Inner London Local Planning Authorities for 24-month period to end of March 2021.

Local Authority	Total Non-Major Apps	Decisions in agreed time limit (8 Weeks, PPA, EoT or EIA)	% of Apps that had a PPA, EoT or EIA	% Within 8 Weeks or Agreed Time Limit	% change on previous performance for 24 months to June 2020
Camden	2,654	2,297	76.5%	86.5%	-2.0%
City of London	488	448	61.5%	91.8%	-2.4%
Greenwich	2,468	2,366	34.5%	95.9%	+1.0%
Hackney	2,819	2,401	23.1%	85.2%	+1.1%
Hammersmith and Fulham	2,616	2,353	48.2%	89.9%	+0.8%
Islington	2,295	2,113	32.2%	92.1%	+3.7%
Kensington and Chelsea	3,125	2,202	6.1%	70.5%	-7.4%
Lambeth	3,254	3,134	38.1%	96.3%	+3.1%
Lewisham	3,221	3,030	31.0%	94.1%	+1.2%
Southwark	2,788	2,298	25.6%	82.4% (67.4% with missing data penalty)	+0.8% (-14.2 incl. missing data penalty)
Tower Hamlets	1,553	1,366	36.9%	88.0%	-0.8%
Wandsworth	4,587	3,718	20.0%	81.1%	+2.3%

Westminster	5,702	4,088	14.2%	71.7%	-3.9%
Inner London	2,890	2447	-	84.7%	-
Average					

- 4.4 Whilst the performance level of other Inner London Boroughs in the determination of non-major applications is apparently higher than Westminster, as previously reported, 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 for 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.
- 4.5 As set out in paragraph 4.3, senior officers are taking appropriate steps to reverse the decline in performance in terms of speed of decision making. Measures introduced include enhancement of performance management data for Team Leaders, closer casework management of planning officers to prioritise the speed of decision making, introduction of a new departmental structure with a dedicated design and sustainability team to make most efficient and flexible use of resources and recruitment to vacant posts within the newly introduced structure.

Quality of Application Decision Making

- 4.6 The latest data published by the MHCLG for non-major application appeals demonstrates that in the 24-month period to the end of September 2019 (latest period published by the MHCLG), the City Council handled 6,670 applications of which 191 resulted in appeals and of this number 61 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 maintains the performance for the previous reporting period to March 2019, which was also 0.9%.
- 4.7 In addition to overturned decisions, Table 5 includes the number of appeals made per 100 non-major applications. This shows the rate of appeal in Westminster to be the lowest across Inner London LPAs, with the exception of the City of London. This suggests that Westminster decisions are well justified in delegated and committee reports leading to a lower proportion of applications being subject to challenge at appeal.

Table 5 – Comparison of quality of non-major planning application decisions with other Inner London LPAs for 24-month period to the end of September 2019 (latest period published by MHCLG).

Local Authority	Total Non-Major Apps	Total Appeal Decisions	No. of appeals made per 100 apps	Total Decisions Overturned	Quality of Decisions (% overturned at appeal)	% change on previous 24-month period to March 2019
Camden	3,099	163	5.3	51	1.6%	+0.1%
City of London	541	3	0.6	1	0.2%	0%
Greenwich	2,995	249	8.3	74	2.5%	0%

Hackney	3,303	194	5.9	75	2.3%	0%
Hammersmith and Fulham	3,279	193	5.9	76	2.3%	-0.1%
Islington	2,566	150	5.8	36	1.4%	-0.2%
Kensington and Chelsea	3,646	144	3.9	57	1.6%	-0.2%
Lambeth	3,737	213	5.7	66	1.8%	-0.2%
Lewisham	3,553	227	6.4	59	1.7%	-0.1%
Southwark	2,900	87	3.0	19	0.7%	-0.1%
Tower Hamlets	1,660	73	4.4	15	0.9%	-0.6%
Wandsworth	5,138	148	2.9	43	0.8%	-0.1%
Westminster	6,670	191	2.9	61	0.9%	0%

Table 6 – Comparison of quality of major planning application decisions with other Inner London LPAs for the 24-month period to the end of September 2019 (latest period published by MHCLG).

Local Authority	Total Major Apps	Total Appeal Decisions	No. of appeals made per 100 apps	Total Decisions Overturned	Quality of Decisions (% overturned at appeal)	% change on previous 24-month period to March 2019
Camden	74	2	2.7	0	0.0%	0%
City of London	43	0	0	0	0.0%	0%
Greenwich	80	5	6.3	2	2.4%	+1.0%
Hackney	69	2	2.9	0	0.0%	0%
Hammersmith and Fulham	61	4	6.6	1	1.6%	-1.1%
Islington	69	11	15.9	3	4.3%	+1.6%
Kensington and Chelsea	71	9	12.7	3	4.2%	0%
Lambeth	96	10	10.4	7	7.3%	+1.2%
Lewisham	55	3	5.5	1	1.8%	0%
Southwark	123	5	4.0	3	2.4%	+1.1%
Tower Hamlets	94	7	7.4	4	4.3%	-1.6%
Wandsworth	107	3	2.8	3	2.8%	+0.1%
Westminster	96	5	5.2	1	1.0%	0%

- 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 continues to be superior, as was the case for the previous reporting period.

5. Planning Appeals Performance

Performance Statistics 2020/21

- 5.1 The annual performance for planning appeal decisions received during the most recent full year are set out below in Table 7, with previous two years provided for comparison. The success rate for the Council at appeal this year (appeals dismissed) was **73%**. In addition to the MHCLG targets, we set our own target for the percentage of appeal decisions we expect to win at 60%. Although performance is slightly lower than last year, this remains above the target. Table 7 also demonstrates a drop in total number of planning appeals decided relative to the preceding years. This is likely to be in part

due to Planning Inspectorate experiencing a backlog and delays in the appeal process due to the pandemic meaning less decisions were processed. Further the number of appeals received in the previous year was unusually high due to an increase in Telecoms and associated advertisement consent appeals for telephone boxes.

Table 7 – Appeal Performance between 1 April 2020 and 30 March 2021

Year	Total No. of Appeals	No. of Appeals Allowed	No. of Appeals Dismissed	% of Appeals Dismissed	WCC Target for Appeal Success
2020/21	147	40	107	73%	60%
2019/20	433	101	332	77%	60%
2018/19	191	60	131	69%	60%

- 5.2 Of the appeal decisions received during 2020/21 the majority were decided through written representations. There was one decision received following a public inquiry and four appeal decisions made following informal hearings. This is consistent with previous years.
- 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 all the appeals allowed during 2020/21 and the reasons that the Planning Inspectorate gave for allowing the appeals is provided in Appendix 1.

Table 8 – 2020/21 Appeal Performance by Application Type.

Type of Application	Appeals Decisions Received				
	Total	Allowed	Dismissed	Part Allowed/ Part Dismissed	Percentage either Dismissed/ Part dismissed
Full Planning	65	20	43	2	45 (69%)
Householder	3	1	2	0	2 (67%)
Approval of Details	0	0	0	0	N/A
Prior Approval	4	4	0	0	0 (0%)
Listed Building Consents	19	5	13	1	14 (74%)
Telecoms	25	0	25	0	25 (100%)
Adverts	6	3	3		3 (50%)
Enforcement	19	5	14	0	14 (74%)
Certificate of Lawfulness	2	1	1	0	1 (50%)
Tables and Chairs	2	1	1	0	1 (50%)
Trees	2	0	2	0	2 (100%)
WCC Total	147	40	104	3	107 (73%)

Appeals following a Committee Decision

- 5.4 Almost all of the above appeals relate to delegated decisions taken by officers. During the 2020/21 period, there was one appeal decision received which related to an application where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees. In this case the original officer recommendation to grant conditional permission was overturned. This was allowed by the Planning Inspector. There were also two appeals for non-determination which were considered by committee after an appeal had been lodged. In both of these cases committee resolved permission would have been granted had an appeal not already been lodged. The allowed appeal decision is summarised below:

Table 9 – Allowed Appeals resulting from Committee Overturned Decisions

	Reference No./ Site Address	Proposal and Appeal Outcome
1.	20/00226/ADV 18 Mercer Street Sub-Committee Report and Minutes Link Appeal Decision Link	<p><u>Proposal:</u> Display of public art on the wall measuring 11.40m x 15.17m.</p> <p><u>Sub-Committee Resolution:</u> The Sub-Committee resolved that the application should be refused on the grounds of harm to “local visual amenity”.</p> <p><u>Reason to Allow:</u> The Inspector in allowing the appeal concluded that the mural would not have an adverse impact on the setting of nearby listed buildings, in terms of its design concluded that it was an appropriate reflection of the bright and vibrant nature of the area; and also that the sentiment of the mural is one of creativity which further reflects the character of the area. Rather than cause harm the Inspector concluded the mural would enhance the character and appearance of the conservation area. She also concluded that there was no evidence the mural would cause disruption to residents and instead would be sited in an already bustling area. The Inspector also concluded that as no harm was identified that the full 5-year period for display should be allowed.</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 partial awards of costs against the Council. This was made in relation to a delegated decision at Flat 6, 74 Portland Place London W1B 1NR, application reference 19/05699/FULL. The appellant's claim for costs was partially allowed, on the grounds that the Council made errors of fact in its appeal statement, relating to siting of the proposed balustrades and visibility from longer public views from street level. The Inspector concluded that as the Council provided information during the appeal process that was inaccurate, to which the applicant was forced to respond, that has directly caused the applicant to incur wasted expense. However, the Inspector did not accept the appellant's claim that the Council objected to the principle of development, but rather the design approach.

- 5.7 The costs awards allowed by Planning Inspectors against the City Council and in favour of the City Council between 2019 and 2021 are set out in Table 10.

Table 10 – Appeal Costs Awards between 2019 and 2021

Year	Costs Awarded Against the Council	Costs Awarded in Favour of the Council
2019	-	£42,500 (Maiden Lane)
2020	£51,364 (157 Edgware Road, 103 Eastbourne Mews and 1 Berkeley Street)	-
2021	£6,680 (74 Portland Place and 2 Barton Street)	£89,000 (Dolphin Square and 26 Leinster Square)
Total	£58,044	£131,500

Appeals received since the adoption of the City Plan

- 5.8 Although not within this reporting period, appeal decisions received since the adoption of the City Plan 2019-2040 in April have also been analysed. There have been 29 decisions received since this time. Of these the majority of decisions make reference to the new City Plan, but there have been no significant conflicts identified between policies at this stage.
- 5.9 A fuller analysis will be made of the impact of the adoption of the City Plan in future reports.

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 Town Planning service has met or exceeded the necessary 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.
- 9.2 As set out in the report, management measures were introduced in Q4 2020/21 and structural changes made in Q1 2021/22 to ensure that the downward trend in the speed of determination of applications (particularly non-major applications) is addressed during the forthcoming quarterly performance so that MHCLG performance indicators continue to be met and exceeded.

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. Allowed Appeal Decisions Summary for 2020/21.

Appendix 1 – Allowed Appeal Decisions Summary for 2020/21

All appeals that were allowed during 2020/21 are set out below.

April 2020
Site: 105 Baker Street Description: Use of the ground floor as a juice bar with ancillary seating and food reheating (Class A1) <u>Reason to Allow:</u> The Planning Inspector considered overall the degree of consumption of food on the premises is an ancillary part of the business and allowed the appeal.
Site: 27 Clifton Hill London NW8 0QE Description: Enforcement Appeal - The installation of metal pegs and wires on the exterior elevations of the property <u>Reason to Allow:</u> The Planning Inspector considered that the effect of the metal pegs and wires to form a trellis system over the entire building to have a neutral impact on the building and the wider Conservation Area and allowed the appeal.
Site: Land At 36 St John's Wood Road And 38-44 Lodge Road Description: Appeal against Non-Determination - Redevelopment of land at 36 St John's Wood Road for an extra care facility, ancillary medical and rehabilitation facilities, landscaping, car and cycle parking, and the redevelopment of 38-44 Lodge Road for a care home and residential units along with landscaping, car and cycle parking. <u>Reason to Allow:</u> The appeal was undertaken on the basis that whilst the development was generally acceptable, there was a disagreement over the description of the development and the nature of the use of the larger site. Planning Applications Sub-committee on 22.10.2019 had resolved had an appeal not been lodged, to be refused, by our due to lack of affordable housing to serve the development. The council considered the use to be residential flats (Class C3), but the applicant considered them to be extra care (Class C2 or some other use but NOT C3). The council also considered that the residential flats (C3) triggered the requirement for affordable housing and whilst it was accepted that the development was not currently viable, it considered that early and late stage viability reviews should be secured in the legal agreement, so that in the event that the development became viable, then a contribution to the City Council's affordable housing fund could be sought. In determining the appeal the Inspector for the SOS, agreed with the Council on these two points and allowed the appeal (granted planning permission), but amending the description of the development to refer to residential units (Class C3) and securing early and late stage viability reviews, in order to secure affordable housing contributions, should the development become viable in the future.
May 2020
Site: 144 Praed Street London W2 1HU Description: Temporary telecoms equipment at roof level comprising 3 x 3 metre high poles, 6 antennas, 1 x 0.3 metre dish, 1 x 0.2 metre dish, 4 cabinets and ancillary development thereto for a temporary period of 12 months <u>Reason to Allow:</u> The Planning Inspector considered the loss of signal level would adversely impact on mobile signal availability and significantly impact upon economic growth, public safety and social well-being within the area and therefore the public benefit outweighed the harm to the designated heritage assets. The temporary 12 month period being sought and lack of physical attachment of the equipment were considered to mitigate the harm.
July 2020
Site: 12 Cardinal Walk London SW1E 5JE Description: Variation of condition 3 of planning permission dated 27 March 2018 for Use of 12 Cardinal Walk as restaurant (Class A3), and associated external alterations including the setting out of external tables and chairs namely, to allow for a delivery and takeaway service with collection on foot, bicycle (including electric bicycles) and motorcycle only. <u>Reason to Allow:</u> The Inspector was not convinced that the addition of a takeaway function to the service provided by these restaurant premises would give rise to any noticeable effect on the noise environment of local residents on that score. Some hot food delivery services are made by bicycle, a relatively quiet and unobtrusive method. Some may be made by scooter or motorcycle. Cardinal

Place is already a precinct with numerous bars and restaurants in the Central Activities Zone where, as policy S1 of the Westminster City Plan November 2016 tells us, a mix of uses consistent with supporting its vitality, function and character will be promoted.

Site: Basement Flat 203 Kilburn Park Road London NW6 5LG

Description: Erection of single storey rear extension at lower ground floor.

Reason to Allow: The inspector concluded that the extension would not harm the character and appearance of the building and issues of light pollution and loss of privacy could be overcome by conditions requiring the pitched roof not to be formed of clear glass, and for blackout blinds to be installed to the roof and drawn shut when lights are turned on within the extension during hours of darkness.

August 2020

Site: 53B Clifton Hill London NW8 0QE

Description: Enforcement Appeal - Unauthorised works to create rear dormer roof extension

Reason to Allow: The Inspector allowed the appeal subject to four conditions including a condition requiring detailed drawings to be submitted showing how they would set back the extension by 250mm (in essence exactly what the notice was seeking to achieve).

Sites: 45 Elgin Avenue London W9 3QP, 47 Elgin Avenue London W9 3PP, 53 Elgin Avenue London W9 3PP, 55 Elgin Avenue London W9 3PP

Description: Prior approval under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 for change of Use from Class A1 (shops) to Use Class C3 (Residential), associated external alterations.

Reason to Allow: The inspector considered it unlikely that any local resident would be able to meet their day-to-day shopping needs from the retail services to be found in these locations. The four designated shopping centres have a greater scale and choice of retail services and are located nearby; I also note that there are bus stops in the immediate area of the site, including one directly outside the appeal parade. The presence of these four designated shopping centres nearby means that the loss of this now vacant shop unit, or the other three units in the parade that are subject to the aforementioned appeals, would not significantly affect the provision of retail services in this part of Westminster. Furthermore, the absence of a formal designation for the Elgin Avenue / Chippenham Road intersection; the vacancy levels and limited range of retail services to be found there; and the presence of the four designated shopping centres nearby, means that in my view, this would not be a key shopping area as referenced in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO)3

Site: 11 Hill Road London NW8 9QE

Description: Enforcement Appeal - Demolition of boundary wall in Conservation Area to Listed Building without consent

Reason to Allow: The Inspector considered that the significance of the demolished wall, and consequently the wider site, was being compromised by those historical and unsympathetic repairs. The inspector concluded that as rebuilt, the wall once again presents a uniformity of style that generally reflects how it might originally have appeared at the time of construction whilst retaining the references to the changes that must have taken place to its design over the years. Therefore, the Inspector determined that the appearance of the wall has undergone some improvement, through the use of a uniform brick bond and the rectification of the structural defects and its appearance could be further enhanced, through the imposition of the suggested conditions requiring soot washing, to tone down the brightness of the new work, and the reinstatement of the missing coursing. He therefore granted conditional listed building consent and allowed the appeal.

September 2020

Site: 42 Albemarle Street London W1S 4JH

Description: Display of menu board on railings and a flag pole and flag (Split decision)

Reason to Allow: The Inspector noted that Albemarle Street shares many of the local characteristics present in Old and New Bond Street, and whilst flags in Albemarle Street are not as dominant as those in Old and New Bond Street, they are an integral part of the existing street scene and therefore form part of the character and appearance of the area. Given these circumstances he considered that this was an instance where flexibility of the relevant policy was appropriate. He concluded that given the local characteristics of this busy commercial area, the single flag on a flag pole would not cause harm to the amenity of the area and would preserve the

character and appearance of this part of the conservation area, where flags are a characteristic feature.

Site: 9 Green Street London W1K 6RF

Description: Replacement of windows in front basement lightwell and installation of external security bars

Reason to Allow: The Inspector noted that the basement windows of neighbouring properties have external security bars and observed many others in the area. The proposal would introduce similar bars at the appeal site, and although visible from the street, in the Inspector's opinion they would not be a prominent feature in the street scene, given their low position at pavement level and location behind street railings. concluded that the proposal does not have a significant adverse effect on the character and appearance of the host property and the Mayfair Conservation Area and complies with the Council's policies.

Site: Flat 6 74 Portland Place London W1B 1NR

Description: Alterations to provide new lantern enclosure and glass balustrades associated with the use of roof as a terrace (Flat 6).

Reason to Allow: The Inspector considered that the proposed enclosure would not be generally visible either, and where it was visible it would be subsumed into the surrounding built forms.

Similarly, the proposed balustrade is of the same height as the existing railing, and is mostly sited further from the roof edge, again amongst the existing roof structures.

Although partially visible from some private views, in particular from 55 Portland Place, but the substantial set back of the obscured glazing would not interfere with the building's frontage and the upper section of the lantern enclosure would be seen against a backdrop of chimneys, lift housings and similar structures. Given these findings on visibility, the proposal's contemporary design would not impact on the completed composition presented by the building, but the Inspector did think that use of appropriate and non-reflective materials is necessary to ensure the proposal is visually recessive and he imposed a condition.

October 2020

Site: 3 Ormond Yard London SW1Y 6JT

Description: Erection of extension at rear third floor level

Reason to Allow: The Inspector states that the character and the appearance of the CA would be preserved, And the architectural and historic character of the building of merit would not be harmed. There would be no conflict with WCP policies S25 and S28 and UDP policies DES9 which aims to preserve or enhance the character or appearance of conservation areas and policies DES1, DES5 and DES6 which seek high quality design and which control the location and design of extensions indicating that permission may be granted for roof structures which are in sympathy with the building's character, storey heights and general elevational proportions.

Site: Development Site At 1 To 3 Berkeley Street, Dover Yard

And 70 To 73 Piccadilly London

Description: Display of three non-illuminated commercial advertisements on the scaffolding shroud, featuring a full size image of the existing facade, measuring 20m x 17.5m, 40m x 17.5m and 18.5m x 17.5m for a temporary period between 1 June 2020 and 1 June 2022.

Reason to Allow: The proposal was for a large commercial shroud advertisement, on a full size image of the existing building, at high level on Piccadilly. The inspector agreed that the adverts would be dominant in views. However he considered that the proposal would enliven the site and would be in keeping with the commercial character of the area. He did not consider that the settings of listed buildings would be harmed. This decision is contrary to the overwhelming majority of appeal decisions with respect to shroud adverts.

Site: Eresby House Rutland Gate London SW7 1BG

Description: Installation of a new service riser encasement from ground to seventh floor of existing north east and south west elevation of Eresby House.

Reason to Allow: The inspectorate considered that despite the house's designation in the Pimlico CAA as being one unsuitable for roof extensions, in this instance given that mansards are found on properties elsewhere in the immediate vicinity the extension would be appreciated within the broader context of this part of conservation area and therefore would not cause it harm.

Site: 54 Sussex Street London SW1V 4RG

Description: Erection of a mansard roof extension.

Reason to Allow: The Inspector noted that although the proposal would introduce a mansard roof into a short terrace that currently has an uninterrupted roof form, that they were satisfied that the roof alteration would complement rather than detract from the surrounding character and appearance of the conservation area and that there was no harm, further justified by the presence of mansards within the wider conservation area that he considered to characterise the CA. To the rear, although an untraditional form with a more sheer rear elevation was proposed, as it was set back from the main rear elevation and set behind a parapet, the Inspector considered that this would not be harmful to the building form and so would be acceptable.

Site: 18 Warwick Square Mews London SW1V 2EL

Description: Infill of front porch and installation of security door, windows and canopy (retrospective application).

Reason to Allow: The main issue of the appeal was the visual impact of the aluminium framed security door, glazing and canopy on the appearance of this traditional mews building and the character and appearance of this part of the Pimlico Conservation Area. The proposed development had already been undertaken and permission was sought retrospectively. The Inspector considered that the door, glazing and canopy were all unobtrusive features which were unnoticeable from most of the Mews given the flush arrangement of the glazing and the presence of vegetation (in pots). The Inspector also acknowledged a building immediately opposite the appeal site which has installed aluminium framed glazing without the benefit of planning permission. Despite this nearby example being unauthorised, the Inspector considered that glazing such as that installed at no. 18 was acceptable.

November 2020

Site: New Arch House 57B Catherine Place London SW1E 6DY

Description: Alterations to the dormer and fenestration on the rear facade of the existing mansard roof at the fourth-floor level; addition of a new glass balustrade on the fourth floor and renewal of roof-light on the ground floor rear to replace existing.

Reason to Allow: The Inspector felt that the mansard roof would still sit below the height of the gable parapets and the use of materials to match the existing roof rather than the lower floors would soften the impact of the alterations. Overall, they accepted that the modern interventions would alter the appearance of the building, but did not consider that they would have a significantly detrimental impact on the character and appearance of the building.

Site: 72 Chester Square London SW1W 9DU

Description: Erection of new mews building in Ebury Mews East; alterations to the rear of main house, including infill within the existing courtyard; extension to rear closet wing at second and third floor levels; extension to roof; single storey basement excavation to create plant room; new entrance portico and internal alterations including decorative details, in connection with enlargement of 72 Chester Square

Reason to Allow: The inspector concluded that due to the existence of a variety of rear extensions within the terrace the extension to the rear would not be harmful to the Belgravia Conservation Area. It

would also be broadly consistent with the 21st Century extension at no. 73. They acknowledged that some additional historic masonry would be lost at third floor level by virtue of the proposal, however, the evidence before them illustrated that the internal and external fabric has previously been altered. As such they did not feel that the alteration harm the special interest of the building (as a grade II listed Building).

Site: 7-9 Kilburn High Road London NW6 5SD

Description: Use of two areas of the public highway for the placing of 8 tables and 32 chairs, 16 planters with screens, each area measuring 3.8m x 4.6m in connection with the existing ground floor use

Reason to Allow: The Inspector did not agree with the City Council's view that the external area had taken on a fully enclosed appearance adding a significant sense of excess bulk and massing to the front of the building, resembling that of an extension and that the 22 planters and screens had resulted in excessive visual clutter in the street scene and on the footway. The Inspector considered the furniture to be of an acceptable design and appearance and noted that the area was not of such high environmental quality as to be deserving of

special protection, and that the external seating area, including planters and screens, did not impact adversely on the street scene. Additionally, he did not consider that the fears on crime and anti-social behaviour were entirely justified and in allowing the appeal granted a 2 year temporary permission

Site: West One Shopping Centre 381 Oxford Street

Description: Enforcement Appeal - Moving LED advertisements above ground floor level

Reason to Allow: The Inspector concluded that the continued use of the site for the display of advertisements would not cause substantial injury to amenity. In the context of a busy shopping street and in the particular context of the shopfront within which it sits, the Inspector was not persuaded that the digital display screen advertisement subject to the Discontinuance Notice caused substantial injury to amenity. The Inspector considered the harm to the heritage assets (Conservation Areas and the impact on the setting of a listed building) but determined that neither the character nor the appearance of this conservation areas nor the setting of the listed building were harmed by the digital display screen advertisement subject to the Discontinuance Notice.

Site: 96 Queensway London W2 3RR

Description: Enforcement Appeal - New shop front with folding doors

Reason to Allow: The Inspector concluded that the character of the conservation area as a whole derives in part from a lively mix of uses, particularly at ground floor and that it was a, vibrant place. In that sense, the Inspector concluded that it was entirely consistent with the character of the wider conservation area to have an openable shopfront.

December 2020

Site: 43 Blenheim Terrace London NW8 0EJ

Description: Erection of a single storey rear extension at the lower ground floor.

Reason to Allow: The Inspector considered that the extension would increase the depth of the additions at basement level but this would not result in the original rear elevation being any more cluttered and obscured than it is at present. The fact that the extension would be cumulatively deeper than most other rear extensions to the rear of the terrace would not cause harm. As the closet wing is a later addition, its being 'enveloped' by the extension is not harmful. Overall the development would preserve the listed building and the character and appearance of the St John's Wood Conservation Area and accord with the relevant policies in the City Plan and UDP.

Site: Flat 1 Basement And Ground Floor 98 Ebury Street London

SW1W 9QD

Description: Rear extensions at basement and ground floor level with associated alterations to front and rear fenestration in connection with the ground and basement flat at 98 Ebury Street.

Reason to Allow: The inspector noted little overall consistency of the Ground Floor extensions and closet wing within the terrace; the historic rear elevation will remain exposed due to the modest massing of the Ground Floor element, size of lightwell and glazed walls; minor loss of existing fabric but the character of the closet wing will remain discernible; The French doors with Juliet balcony at Ground floor level are not a historically typical location for a feature of this type but existing windows opening is not original and inconsistent with other openings in rear elevation – benefits of modifying openings outweigh the harm. adverse effects on the plan form would be outweighed by the benefit of removing the partitions from the back room; notwithstanding the loss of historic fabric, the original plan form would be more appreciable overall.

The existing tree (covered by the TPO) appears uncomfortably oversized. Construction of the extension and related works to the tree would not have an unacceptable effect upon its health, wellbeing or appearance, or its contribution to the Conservation Area.

Site: 54 Ledbury Road London W11 2AJ

Description: First floor rear terrace

Reason to Allow: The Inspector did not find that the effect on the quality of life of occupiers of No 1 of further reduction in light to or outlook from the window, would be significant.

The Inspector also noted that while the window at No. 1 may previously have served a bedroom, they saw at their visit that the window to No 1 currently serves an en-suite bathroom instead. They also observed it to be frosted and was advised by a neighbouring occupier that it is non-opening. The Inspector concluded that the appeal development does not result in unacceptable harm to the living conditions of the occupiers of 1 Wellington Close by reason of loss of light or enclosure, and accordingly there is no conflict with Policy S29 of the Westminster City Plan 2016 or Policy ENV 13 of the Unitary Development Plan 2007.

Site: 18 Mercer Street London WC2H 9QE

Description: Display of public art on the wall measuring 11.40m x 15.17m.

Reason to Allow: The application sought advertisement consent to display a painted mural artwork on a blank flank wall and forecourt area, facing onto Mercer Street, within the Covent Garden Conservation Area. Consent was sought for a temporary period of display of 5 years. The application was reported to committee with a recommendation to grant consent for a 2 year period. However, Members disagreed with the recommendation and refused consent on grounds that the proposal was harmful to "local visual amenity". The Inspector in allowing the appeal concluded that the mural would not have an adverse impact on the setting of nearby listed buildings, in terms of its design concluded that it was an appropriate reflection of the bright and vibrant nature of the area; and also that the sentiment of the mural is one of creativity which further reflects the character of the area. Rather than cause harm the Inspector concluded the mural would enhance the character and appearance of the conservation area. She also concluded that there was no evidence the mural would cause disruption to residents and instead would be sited in an already bustling area. The Inspector also concluded that as no harm was identified that the full 5 year period for display should be allowed.

January 2020

Site: 68 Sutherland Avenue London W9 2QS

Description: Installation of replacement bin store to front yard.

Reason to Allow: The application was refused under delegated powers due to the breadth of the bin/cycle store when presented to the road, which was considered to be contrary to the established character of this part of the conservation area. The Inspector however considered that the character of the road was not consistent and that the store proposed would therefore not harm the character or appearance of the conservation area.

Site: 77 Dean Street London W1D 3SH

Description: Installation of replacement plant and associated acoustic screening on the flat roof at rear first floor level, installation of new shopfront and internal alterations at lower ground and ground floor levels.

Reason to Allow: The Inspector noted that the shopfront is not an original feature of the building design and is actually quite modern. Replacement of the shopfront would not therefore lead to any direct loss of historic fabric, integrity, interest or significance to either the listed building or the Conservation Area. The proposed shopfront would feature much of the same key traditional elements as the existing, with subtle changes in detail and composition. In the Inspector's opinion, the proposal would collectively improve the overall cohesion and quality of the design. It would thus provide a better visual and architectural accompaniment to the floors above than the existing shopfront.

March 2020

Site: 87 Ashmill Street London NW1 6RA

Description: Installation of Juliet balcony and change window to door at rear first floor level.

Reason to Allow: The Inspector concluded the proposed development would not have an overall harmful effect upon the living conditions of the occupiers of Nos 13 – 17 Shroton Street and Nos 85, 88 and 91 Ashmill Street with particular reference to privacy and overlooking nor would it be unacceptable in design terms

Site: 77 Chester Row London SW1W 8JL

Description: Erection of a single storey ground floor rear extension.

Reason to Allow: The Inspector considered that No. 77 Chester Row makes a neutral contribution to the Belgravia Conservation Area. The decision further notes that the extension would be modest and subservient on a similar alignment as the closet wing and would not increase the built footprint and as such would not have a harmful effect of in respect of its bulk, scale, or over-development of

the site. The Inspector did not consider that the extension would have a harmful impact on the amenities of the adjoining properties Nos. 75 and 79 as it would be only a limited amount higher than the party wall with No 75 and the existing extension which separates it from No 79 along its depth. Given the distance from the nearest windows, the highly limited visibility, height and depth, screening from the existing projection and the orientation of the properties, there would be no harmful effect in respect of a loss of outlook, daylight to internal rooms or the garden or related concerns in respect of health and safety. The rooflight would be of an angle and a sufficient distance from No 79 so as not to have any significant effect in respect of light pollution.

In light of the above, the inspector allowed the appeal.

Site: 2 Godson Yard London NW6 5FE

Description: Continued use of part of flat roof at rear raised ground level of property as a roof terrace, installation of obscure glazing and retention of timber decking and doorway onto the terrace

Site: Basement And Ground Floor Seaford House 105 Marylebone High Street London W1U 4RS

Description: Installation of service hatch within the pavement.

Reason to Allow: The Inspector concluded that the development would not have a harmful effect upon pedestrian movement, convenience, or safety, and therefore would not create a disruption to the use of the pedestrian pavement. He also considered that the hatch would not degrade the public realm and therefore would preserve the character and appearance of the Harley Street Conservation Area.

Site: 18 Queen Anne's Gate London SW1H 9AA

Description: internal alterations to add fabric wall lining to reception and front room at ground floor level and reception at first floor level.

Reason to Allow: The inspector did not consider the new wall upholstery would harm the special interest of the building and considered these were appropriate noting the relative grandeur of scale and location, being prestigiously situated in Westminster, close to St James's Palace and parliament, with views over St James's Park." And that "fabric wall hangings were used in 'grander' Georgian properties." and on the fact that "The proposed wall decor would be reversible."