



City of Westminster

Planning & City Development Committee

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Title: Planning Applications and Appeals Performance Mid-Year Update – 2022/23

Report of: Director of Town Planning and Building Control

Financial Summary: None.

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1. Executive Summary

- 1.1 This report presents a mid-year 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 for the first two quarters of 2022/23. Performance against all measures exceeds Department for Levelling Up, Homes and Communities (DLUHC) and relevant internal performance indicators.
- 1.2 This report should be read in context with the [annual report on planning applications and appeals performance for 20221/22](#) which was reported to the PCD Committee on 27 July 2022. The annual report sets out the methodology used to calculate the DLUHC performance indicators.

2. Recommendation

- 2.1 This report is provided for information. Members are asked to consider the contents of this report and to note the on-track performance of the planning service.

3. Planning Application Volumes

- 3.1 The council's planning service is one of the busiest in the country in terms of the total volume of applications it handles on annually. Tables 1-3 set out the number of applications received, the number withdrawn, and the number of applications determined during Q1 and Q2 2022/23 in context with comparative volumes for the same quarters during preceding years.

Table 1 – Volume of applications received.

Half Year (Q1 & Q2)	Major Applications	Non-Major Applications	Other Applications (No. of LBC apps in brackets)	Total Validated
2022/23	15	1504	2437 (896)	3956

2021/22	16	1602	2536 (888)	4154
2020/21	24	1389	2066 (691)	3479
2019/20	37	1916	2864 (981)	4817

Table 2 – Volume of applications withdrawn or otherwise closed prior to determination.

Half Year (Q1 and Q2)	Major Applications Withdrawn	Non-Major Applications Withdrawn	Other Applications Withdrawn (No. of LBC apps in brackets)	Total Withdrawn
2022/23	3	257	329 (139)	589
2021/22	0	167	142 (56)	309
2020/21	4	155	149 (72)	308
2019/20	1	276	357 (136)	634

Table 3 – Volume of applications determined.

Half Year (Q1 and Q2)	Major Applications	Non-Major Applications	Other Applications – (No. of LBC apps in brackets)	Total Determined
2022/23	15	1276	2211 (805)	3502
2021/22	12	1354	2260 (777)	3626
2020/21	18	1283	2000 (682)	3301
2019/20	19	1704	2623 (936)	4346

- 3.2 Tables 1-3 demonstrate that determination of applications (either by way of a decision or where the application has been withdrawn) has matched the rate at which applications have been submitted over recent years. The increase in withdrawn applications during Q1 and Q2 2022/23 reflects the ‘housekeeping’ that the service has undertaken in recent months to withdraw historic applications that have become inactive or where applications have been submitted without being subsequently validated by the applicant.
- 3.3 In addition to handling planning and other related applications, the planning service provides a comprehensive pre-application advice service for residents, businesses, and developers. Table 4 shows the total volume of valid pre-application advice requests that were received during Q1 and Q2 2022/23 in context with volumes for the same quarters in previous years. No major applications were subject to EOTs during Q1 and Q2 2022/23.

Table 4 – Volume of pre-application advice requests handled.

Half Year (Q1 & Q2)	Pre-Application Requests
2022/23	434
2021/22	417
2020/21	529
2019/20	688

- 3.4 Following the introduction of the discounted pre-application fee of £300 for pre-application advice in late March 2022, the Council has received 10 requests for advice on proposals to enhance energy performance. It should be noted that whilst this is a

low proportion of the overall number of pre-application requests, householders of non-listed buildings can undertake may sustainability improvements to their homes using permitted development rights. Also of note is that the discounted fee is only offered where the pre-application advice request is limited solely to energy performance improvements. Therefore, proposals for wider refurbishment of flats and listed buildings, including measures to improve energy performance do not benefit from the discounted fee.

4. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 4.1 During the first two quarter of 2022/23 the planning service has met and exceeded the DLUHC performance thresholds for both major and non-major applications. The major applications. The minimum performance level for non-majors is 70% of applications within the statutory 8-week timeframe (or another timeframe agreed between the applicant and LPA via an extension of time (EOT) or a planning performance agreement (PPA)). For majors the minimum performance level is 60% of applications within the statutory 13-week timeframe (or another timeframe agreed between the applicant and LPA). Performance for Q1 and Q2 is shown with comparative data for the preceding three full years in Tables 5 and 6.

Table 5 – Performance against DLUHC 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
2022/23 (Q1 & Q2)	15	14	93.3%
2021/22	26	23	88.5%
2020/21	35	26	77%
2019/20	49	36	74%

Table 6 – Performance against DLUHC 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
2022/23 (Q1 & Q2)	1276	975	76.5%
2021/22	2550	1982	77.7%
2020/21	2534	1771	70%
2019/20	3168	2317	73%

Table 7 – Performance for other applications (not monitored by DLUHC).

Year	Total Decisions	Total under 13 weeks/ PPA's or EoT's within target	% < 13 weeks or within PPA/EoT Target
2022/23 (Q1 & Q2)	2238	1741	77.8%

- 4.2 During the first two quarters 368 non-major applications were subject to an EOT of which 306 were determined within the agreed extended timeframe. The average additional timeframe agreed for EOTs on non-major applications was 72 days, whilst the mean additional time was 40 days.
- 4.3 For 'other' applications determined during the first two quarters, 192 were subject to an EOT of which 158 were determined within the agreed extended timeframe. The average additional timeframe agreed for EOTs on other applications was 68 days, whilst the mean additional time was 28 days.
- 4.4 The latest data published by the DLUHC for the rolling 24-month period up to the end of June 2022 (see Tables 8 and 9) shows Westminster's performance for major applications to be 84.6% (up from 77.7% for the 24 months to December 2021), whilst performance for non-major applications is 74.5% (up from 73.8% for the 24 months to December 2021). The latest data reflects the steady improvements in the speed of decision making that the service is making relative to performance over the initial quarters of the current 24 month rolling period.

Table 8 – Comparison of speed of major application decision making with other Inner London Local Planning Authorities for 24-month period to end of June 2022.

Local Authority	Total Major Apps	Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	No. of Apps with EOT, PPA 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 Dec 2021
Camden	75	67	67	100.0%	94.7%	-0.6%
City of London	44	39	41	95.1%	90.9%	+0.7%
Greenwich	62	58	58	100.0%	100%	0.0%
Hackney	62	51	53	96.2%	93.5%	+0.7%
Hammersmith and Fulham	37	32	32	100.0%	97.3%	-0.2%
Islington	47	42	42	100.0%	97.9%	0.0%
Kensington and Chelsea	45	34	34	100.0%	100.0%	0.0%
Lambeth	84	72	73	98.6%	97.6%	-0.1%
Lewisham	49	42	42	100.0%	100%	0.0%
Southwark	143	89	104	85.6%	74.1%	-2.6%
Tower Hamlets	84	66	70	94.3%	91.7%	+3.2%
Wandsworth	98	70	75	93.3%	90.8%	+2.7%
Westminster	65	50	55	90.9%	84.6%	+7.6%
Inner London Average	69	55	57	95.4%	91.2%	+0.2%

Table 9 – Comparison of speed of non-major planning application decision making with other Inner London Local Planning Authorities for 24-month period to end of December 2021.

Local Authority	Total Non-Major Apps	Decisions in agreed time limit (8 Weeks, PPA, EoT or EIA)	No. of Apps with EOT, PPA 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 Dec 2021
Camden	2,522	2,047	1,888	89.0%	81.2%	-1.5%
City of London	378	322	279	75.2%	85.2%	-2.3%

Greenwich	2,777	2,658	940	34.7%	95.7%	0.0%
Hackney	2,591	2,173	663	28.8%	83.9%	-0.6%
Hammersmith and Fulham	2,856	2,643	1,380	49.5%	92.5%	-0.1%
Islington	2,379	2,296	895	39.0%	96.5%	+4.1%
Kensington and Chelsea	3,218	2,401	720	28.3%	74.6%	+4.7%
Lambeth	3,354	3,158	1,405	41.7%	94.2%	-1.5%
Lewisham	3,383	3,168	950	27.4%	93.6%	-0.6%
Southwark	2,843	2,339	713	24.4%	82.3%	-3.3%
Tower Hamlets	1,623	1,469	521	33.7%	90.5%	+2.8%
Wandsworth	4,678	3,967	1,377	30.1%	84.8%	+3.4%
Westminster	5,096	3,796	1,087	25.8%	74.5%	+1.6%
Inner London Average	2,900	2,495	986	36.7%	86.0%	-0.3%

- 4.5 Whilst the timeliness of decision making for non-majors remains below that of other Inner London LPAs, with the exception of Kensington and Chelsea, measures that were implemented during 2021/22 to improve data monitoring and case management and monitoring are continuing to drive incremental improvements in performance, as identified in paragraph 5.2. However, as identified in Tables 1 to 3, the council handles a high volume of listed building consent applications, which are not monitored by the DLUHC and are recorded as 'Other' applications (see Table 6). Listed building consent applications typically require significant resources to ensure the council complies with its statutory duty to preserve or enhance the heritage assets within the city and this workload and resource, which is much higher than most other Inner London LPAs, impacts upon resources available to deliver quicker decision making for non-major applications.
- 4.6 As has been previously reported, a number of other LPAs utilise EOTs to a significant degree to enable a high proportion of decisions to be issued within agreed timeframes. Where EOTs are used the extended timeframes, the extended timeframes can often be in excess of non-EOT applications that have only exceeded the statutory timeframe for decision making by a small number of days. Therefore, whilst the data above demonstrates the proportion of applications determined within agreed timeframes, it is not a comparative assessment of the actual average time it takes the respective LPAs to determine major and non-major applications.

Quality of Application Decision Making

- 4.7 The latest data published by the DLUC for major application appeals demonstrates that in the 24-month period to the end of March 2021 (latest period published by the DLUHC) the council handled 84 major applications, which resulted in two appeals, one of which was allowed, and one refused. For non-major application appeals during the same 24-month period, the council handled 5,702 non-major applications of which 148 resulted in appeals and of this number 50 were allowed. As a percentage of the total number of non-major applications handled in this period this equates to an appeal success rate of 0.9%. In both cases, the appeal success rate substantially below the 10% threshold for designation set by DLUHC.
- 4.8 Tables 10 and 11 benchmark Westminster's appeal performance against other inner London boroughs. In addition to overturned decisions, they include the number of appeals made per 100 applications. This continues to demonstrate that the rate of appeal in Westminster is amongst the lowest across comparable inner London boroughs and indicates that planning decisions are well justified having and have full regard to the requirements of the development plan.

Table 10 – Comparison of quality of major planning application decisions with other Inner London LPAs for the 24-month period to the end of March 2021 (latest period published by DLUHC).

Local Authority	Total Major Apps	Total Appeal Decisions	No. of appeals made per 100 apps	Total Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	% change on previous 24-month period to September 2020
Camden	55	2	3.6	0	0.0%	0%
City of London	27	0	0.0	0	0.0%	0%
Greenwich	68	2	2.9	1	1.4%	-1.2%
Hackney	79	2	2.5	0	0.0%	0%
Hammersmith and Fulham	43	4	9.3	1	2.3%	-2.1%
Islington	51	2	3.9	1	1.9%	-0.8%
Kensington and Chelsea	55	3	5.5	1	1.8%	-0.1%
Lambeth	79	3	3.8	1	1.2%	-3.7%
Lewisham	43	3	7.0	1	2.3%	+0.3%
Southwark	112	3	2.7	2	1.8%	-0.1%
Tower Hamlets	97	3	3.1	2	2.1%	-0.1%
Wandsworth	92	5	5.4	3	3.3%	0.0%
Westminster	84	2	2.4	1	1.2%	+1.2%

Table 11 – Comparison of quality of non-major planning application decisions with other Inner London LPAs for 24-month period to the end of March 2021 (latest period published by DLUHC).

Local Authority	Total Non-Major Apps	Total Appeal Decisions	No. of appeal decisions per 100 apps	Total Decisions Over-turned	Quality of Decisions (% over-turned at appeal)	% change on previous 24-month period to September 2020
Camden	2,654	129	4.9	37	1.4%	+0.1%
City of London	488	2	0.4	0	0.0%	-0.2%
Greenwich	2,468	189	7.7	71	2.9%	-0.3%
Hackney	2,818	114	4.0	45	1.6%	0%
Hammersmith and Fulham	2,616	145	5.5	57	2.2%	+0.3%
Islington	2,295	148	6.4	37	1.6%	+0.1%
Kensington and Chelsea	3,125	107	3.4	40	1.3%	0%
Lambeth	3,254	142	4.4	36	1.1%	0%
Lewisham	3,221	171	5.3	36	1.1%	+0.2%
Southwark	2,744	78	2.8	20	0.7%	+0.1%
Tower Hamlets	1,553	84	5.4	14	0.9%	-0.1%
Wandsworth	4,587	104	2.3	29	0.6%	0%
Westminster	5,702	148	2.6	50	0.9%	0%

5. Planning Appeals Performance

Performance Statistics

- 5.1 In addition to the DLUHC targets, as set out above, the Council sets its own performance target for the percentage of appeal decisions that it expects to be

dismissed. This target is set at 60%. This includes appeals dismissed or part dismissed as a percentage of total number of appeals decided. The performance for planning appeal decisions received during the first two quarters of 2022 and 2023 are set out below in Table 12, with previous four years provided for comparison. above the target. This demonstrates we are on track to meet our target.

Table 12 – Appeal Performance between 1 April 2022 and 30 September 2022

Year	Total No. of Appeals	No. of Appeals Allowed	No. of Appeals Dismissed or part dismissed	% of Appeals Dismissed or part dismissed	WCC Target for Appeal Success
2022/23 (Q1 & Q2)	64	19	45	70%	60%
2021/22	119	41	78	66%	60%
2020/21	147	40	107	73%	60%
2019/20	433	101	332	77%	60%
2018/19	191	60	131	69%	60%

- 5.2 A full breakdown of the types of appeal that have been received and the volumes of each type of appeal will be provided in the end of year review for 2022/23 in summer 2023.
- 5.3 Almost all of the above appeals relate to delegated decisions taken by officers. During the first two quarters of 2022/23, there was no allowed appeal decision received which related to an application where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees. A summary of all allowed appeals during this period is in the appendices. Some notable appeals are highlighted below at XX.

Awards of Costs & Costs Associated with Appeals

- 5.4 Awards of costs can be made 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. Likewise, the Council can seek an award of costs where the appellants behaviour during the appeal process has been unreasonable. Awards of costs for and against the Council remain as reported to the Planning and City Development Committee in June 2022 and no further costs awards have been settled in the intervening period.
- 5.5 The costs to the planning service arising from the officer cost of handling planning appeals are unavoidable and result from the quasi-legal structure of the planning system which affords applicants a right of appeal against the Council's decision. To ensure the Council is able to effectively implement its current planning vision for the city, as set out in the City Plan 2019-2040, it is necessary to ensure that appeals against the Council's decisions are appropriately defended. For these reasons the officer time costs attributable to the planning service as a result of appeals are not recorded on a case-by-case basis and these costs are absorbed into the annual budgets for the three planning area teams and the Planning Enforcement Team.
- 5.6 For more complex and larger scale appeals that are held as Hearings or as a Public Inquiry it is often necessary to secure support from Legal Services. These additional costs, which are only required in a small proportion of appeals, are recorded and are set out in Appendix B for 2021/22 and 2022/23 (year to date).

Notable Appeal No.1 – Leconfield House, Curzon Street (Protection of Offices in the CAZ and Basement Development Policy)

- 5.7 The most notable appeal decision in the first half of 2022/23 relating to an application determined at a Planning Applications Sub-Committee was that relating to substantial remodelling of Leconfield House, Curzon Street, W1 (RN: 20/01200/FULL). The scheme proposed the replacement of the existing 7th floor level and roof plant area and excavation of three new basement levels, along with various elevational changes. The alterations and extensions were proposed in connection with the use of the building as a hotel and private members' club.
- 5.8 The application was initially reported to the Planning Applications Sub-Committee on 16 February 2021. The Sub-Committee resolved to grant conditional approval, subject to the concurrence of the Mayor of London and completion of a S106 agreement. However, following the adoption of the new City Plan 2019-2040 on 21 April 2021, the proposal was no longer in accordance with the adopted development plan, owing to significant land use and basement development policy changes in the newly adopted City Plan.
- 5.9 Following reassessment against the newly adopted development plan, officers reported the application back to the Planning Applications Sub-Committee on 3 August 2021, with a recommendation for refusal on grounds that the loss of the existing office use within the Central Activities Zone (CAZ) was contrary to Policy 13 in the new City Plan, which seeks to protect loss of office floorspace to hotel use within the CAZ. The Sub-Committee agreed with this reason for refusal and also concluded that the proposed three-storey basement was contrary to the new basement development policy (Policy 45), which precludes basements of more than a single floor where sites do not have high levels of accessibility, resulting in significant adverse impact on surrounding occupiers during the construction phase.
- 5.10 The appeal against the Council's decision was heard at a public inquiry held between 7 and 13 June and on 20 June 2022. In addition to a planning officer, the Council fielded a consultant with expertise in basement construction impacts as witnesses at the inquiry to ensure it was able to robustly defend the reason for refusal relating to the impact of basement construction.
- 5.11 Following the conclusion of the inquiry, the Inspector dismissed the appeal on both the grounds cited by the Council. The Inspector concluded that the site was well connected, but that the position of the main site access would cause local disruption such that the site would not have high levels of accessibility as required by the policy to justify the provision of more than one basement level. The Inspector also found that *"As a result, both the construction process and its associated traffic, which would be in operation over a prolonged period of time, would cause adverse effects for neighbouring occupiers and uses"*. The Inspector was particularly concerned about the harm that would be caused to the occupiers of flats in Chesterfield House, immediately neighbouring the site.
- 5.12 In respect of the reason for refusal relating to the loss of the existing office use, the Inspector found that the appellant had failed to provide the minimum requirement of 12 months marketing evidence and that insufficient information was presented at the Inquiry to demonstrate that the loss of office floorspace to hotel use was justified in the absence of this evidence.
- 5.13 In addition to contesting the Council's reasons for refusal, the appellant also sought an award of costs in respect of the Council's behaviour prior to the appeal. The award of costs claim focused on the Council's evidence base for concluding that the site was not

highly accessible and on the basis that the Council should have determined the application under delegated powers pursuant to the initial February 2021 Sub-Committee resolution to grant conditional permission, subject to the concurrence of the Mayor of London and completion of a S106 agreement. The Inspector agreed that the Council's reason for refusal relating to basement construction impact was evidenced and was therefore not unreasonable. He also agreed that the Council was right to respond to the adoption of the new City Plan in April 2021 by reporting the application back to the Planning Applications Sub-Committee in August 2021 so that the Sub-Committee could consider the application afresh in light of the significant weight that the new policies had accrued following adoption. Accordingly, the costs award against the Council was fully dismissed. The appeal decision and associated award of costs decisions for this appeal are included in the background papers for information.

Notable Appeal No. 2 – 49 Cambridge Street (Residential Amalgamations Policy)

- 5.14 Also of note amongst the appeals determined in the first half of 2022/23 is an appeal relating to the amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house at 49 Cambridge Street, London, SW1 (21/05401/FULL). The Council refused permission under delegated powers in November 2021 on grounds that the amalgamation of the lower ground floor flat with the maisonette above would result in the loss of a residential unit and result in a residential unit that was in excess of 200m², contrary to parts (B) and (C) of Policy 8 in the City Plan 2019-2040. An associated listed building consent application was also refused on grounds that the works proposed to facilitate the amalgamation would harm the special interest of the listed building.
- 5.15 In determining the appeal via written representations the Inspector concluded that the works to the listed building were not harmful and would enhance the special interest of the listed building. The Inspector noted though that Policy 8(B), which only allows the creation of units larger than 200m² where this would be required to protect a heritage asset, did not apply as the building was already in viable use as two residential units.
- 5.16 Policy 8(C)(2) sets out an exception to the policy to protect all residential existing residential units to allow reconfiguration of non-family sized housing to create family sized housing. The Inspector accepted that the upper maisonette was capable of being used as a three-bedroom unit, despite currently being arranged as a two-bedroom flat. However, he concluded that *"The dwelling on the upper floors currently benefits from a large ensuite bathroom on the second floor and during my site visit I observed that there is another ensuite bathroom on the third floor. As such the dwelling lacks a common bathroom. The proposal would result in a common bathroom on the lower ground floor albeit not accessed in the most convenient way. As such, the proposal would result in the residential use being reconfigured to better meet the needs of a family without further alterations to the building fabric."* Consequently, Inspector allowed the appeal as an exception to the policy on the basis that the residential use would be reconfigured to better meet the needs of families and the harm that would result from the conflict with the Policy 8 in the City Plan 2019-2040 would be "limited". The appeal decision for this appeal is included in the background papers for information.
- 5.17 It should be noted that the outcome of this appeal is principally of relevance to the assessment of amalgamations within listed buildings where amendments to the internal layout of buildings are more limited in scope due to the potential for these to harm the significance of the heritage asset. Where a building is unlisted, the lack of a communal bathroom within a family sized unit could be resolved by amendments to internal layout without the need for planning permission. Accordingly, the argument in favour of amalgamation in this case is unlikely to be supported by an Inspector where an appeal relates to an unlisted building.

6. Financial Implications

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

7. Legal Implications

- 7.1 None.

8. Conclusion

- 8.1 Having regard to the significant volume of applications and appeals that are received annually by the council, including high volumes of listed building consent applications, the Town Planning service has met or exceeded the necessary DLUC performance indicators, and these demonstrate that the department is continues to provide a good level of service in terms of both the speed and quality of planning outcomes it delivers to applicants, communities, 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)

Appendices:

- A. Allowed Appeal Decisions Summary for Q1 and Q2 2022/23.
- B. Legal Costs for Planning Appeals for 2021/22 and 2022/23

Background Papers:

- 1. Appeal decision for Leconfield House appeal dated 11 August 2022.
- 2. Costs decision for Leconfield House appeal dated 11 August 2022.
- 3. Appeal decision for 49 Cambridge Street dated 20 September 2022.

Appendix A – Allowed Appeal Decisions Summary for Q1 and Q2 2022/23

A summary of appeals that were allowed during Q1 and Q2 2022/23 is set out below.

<p>April 2022</p> <p>Site: 57-59 Beak Street, London, W1F 9SJ Description: Variation of Condition 1 and removal of Condition 13 of planning permission dated 21 December 2018 (RN: 18/08655/FULL) for: 'Use of basement and part ground as dual alternative shop (Class A1) or restaurant (Class A3) and installation of roof level kitchen extract. Reason to Allow: The proposal sought to vary the original application and extend the depth and rear projection of the property and alter the form and profile of the existing elevation at these levels, which would increase the overall massing and bulk of Nos 57-59. Main issues are the effect of the proposed variation on i) the appearance of Nos 57-59 Beak Street; and ii) the character and appearance of the Soho Conservation Area. The Inspector considered the rear elevation of the host building is of minimal architectural quality and interest, having already been compromised by previous changes and the proposed amendments acceptable, noting the revised proposal would not be discordant on the rear elevation of the host building, would not harm the appearance of Nos 57-59 and cause no harm to the Soho Conservation Area.</p> <p>Site: 19 Graham Terrace, London, SW1W 8JE Description: Variation of condition 1 of planning permission dated 23 April 2019 (RN: 19/01643/FULL) (as amended by non-material amendment dated 10 December 2020, RN: 20/07314/NMA) for the: Demolition of existing building, excluding front elevation and party walls, and construction of replacement building with mansard roof and rear extensions and altered front lightwell. NAMELY, to allow change of rear glazed facing wall to brick including altered form at ground floor level and alteration to black metal railing profile. Reason to Allow: The proposal subject to appeal sought to retain the development as constructed, the design of which is different from that approved. The Inspector considered the changes to design to be sensitive to the modern design approach of the ground and basement levels at the rear of the house and the traditional form and character is still evident in the higher levels of the building and noted that while the design of the black metal railings enclosing the ground floor roof terrace is different to that previously approved by the Council, it is an acceptable alteration to the house. The Inspector noted that the appeal property is enclosed to the south and west by tall boundary walls and views toward the proposal are either over the wall from higher levels of a neighbouring school building, which is some distance away, or obliquely from houses to the northeast in the terrace. The proposal is not therefore so prominent that it is harmful to the character and appearance of the CA. The Inspector concluded that the proposal does not have a harmful effect on the appearance of the host building and preserves the character and appearance of the Belgravia Conservation Area. This satisfies the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the design and heritage aims of Policies 38, 39, and 40 of the LP</p> <p>Site: 18 - 20 Queensway, London, W2 3RX Description: Display of a wooden frame A board measuring 1.00m x 0.60m at the outside seating area. Reason to Allow The Inspector considered the proposed advertisement would add little in terms of visual clutter, particularly if sited within a seating area and would be consistent with the signage associated with other commercial premises in the area. They also noted the proposed siting of the advertisement would leave several metres of unobstructed pavement for people to pass by safely and in the location shown on the submitted plan it would leave sufficient space around it for people to pass. Therefore, the Inspector considered the addition of the A frame board would not be harmful to the character and appearance of the conservation area or to the visual amenity of the area; it would not cause an obstruction of the highway would not affect pedestrian safety and would not harm public safety.</p>
<p>May 2022</p> <p>Site: Bridgefield House, 219 Queensway, London, W2 5HR Description: Installation of six antenna apertures across three steel support structures (approx. 29.75m AGL to top), four 600mm diameter dishes across four support structures and eight cabinets all at rooftop level, one Meter Cabinet at ground level plus ancillary works including works to the front elevation.</p>

Reason to Allow

The Inspector noted that the proposal would have an unacceptable effect on the character and appearance of the host building and surrounding area, while failing to preserve or enhance the character or appearance of nearby heritage designations. This harm was considered to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the National Planning Policy Framework (2021) (the Framework) advises that this harm should be weighed against the public benefits of the proposal. Policy 19 of the City Plan supports investment in digital and telecommunications infrastructure and those public benefits will be weighed against impacts on local character, heritage or the quality of the public realm. The Inspector noted that the scheme's benefit of providing replacement and improved digital communications networks attracts significant weight. The Inspector therefore concluded that the moderate level of less than substantial harm to designated heritage assets would be outweighed by the significant public benefits that would be achieved by the proposal.

Site: 18 Ennismore Gardens, London, SW7 1AA

Description: Installation of two new windows on the side wall at first and second floor levels and removal of redundant pipework to the rear side wall in connection with the amalgamation of a one bedroom first floor flat and two bedroom second floor flat to provide a three bedroom maisonette and associated internal alterations including changes to door openings, partitions, cornicing, new interior staircase and panelling between first and second floors, and new bathroom at second floor (First and Second Floor Flat).

Reason to Allow

The Inspector considered that the proposed works would result in an overall enhancement of the significance of the listed building, albeit this is in the context of accepting that there would be less than substantial harm caused by the insertion of the new stair and the fabric loss. The Inspector considered that harm would be outweighed by public benefits identified and overall, the works would satisfy section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the Framework; and accord with policy 39 of the CP insofar as it requires works to listed buildings to preserve the asset's special interest, relate sensitively to the period and architectural detail of the building and protect or, where appropriate, restore original or significant details and historic fabric.

June 2022**Site: 20 John Prince's Street, London, W1G 0BJ**

Description: Display of an externally illuminated integrated LED screen, flush within the Portland Stone, with matching Portland Stone trim, measuring 2.8m X 5.8m and 2.8m X 4.5m at first floor level on the corner of Oxford Street and Holles Street.

Reason to Allow

The Inspector did not consider that the screens would be unduly large or incongruous and noted that they would sit flush to the corner splay of the parapet adding a new, distinct and contemporary element to the Oxford Street scene. When seen against the backdrop of the large monolithic office block to the rear as well as the highly commercialised nature of Oxford Street, the screens would not appear inappropriate in their context. While there might be some effect on the setting of nearby listed buildings and conservation areas, the setting of these assets is already defined by the commercial nature of Oxford Street. The Inspector concluded that the erection of these screens would not materially harm one's enjoyment of the assets or the way in which they are currently experienced. And was satisfied the effect of the development would be neutral.

Site: Ground Floor Flat, 71 Randolph Avenue, London, W9 1DW

Description: Replacement of existing chimney cowl (Retrospective application)

Reason to Allow

The Inspector noted that the cowl is integrated into a low wall on the flat roof at first floor level. Given its location to the rear of the building, there is no impact on the street scene and the works are only really visible from neighbouring flats and considered that the replacement cowl preserves the host building's features of special architectural or historic interest and does not undermine the public's enjoyment or the significance of the heritage asset. Accordingly, the Inspector considered there to be no conflict with Policies 38, 39 and 40 of the City Plan nor Section 66 or 72 of the 1990 Act.

Site: Flat 3, 39 Hereford Road, London, W2 4AB

Description: Erection of a roof extension to increase size of top floor flat together with associated terrace.

Reason to Allow

The Inspector considered that the proposal would preserve the character and appearance of the Conservation Area and would not, subject to a planning condition to add screening, harm the living conditions of occupants of the upper floor flat at Baynards House and Nos 113 and 115, with

regards to noise and disturbance, privacy and outlook. As such, the proposal would accord with City Plan Policies

Site: 28A Leicester Square, London, WC2H 7LE

Description: Display of two internally illuminated neon frontage signs measuring 0.51m x 1.71m and 0.14m x 0.70m and internally illuminated projecting sign measuring 0.60m x 0.60m.

Reason to Allow

The Inspector noted that the new adverts would be illuminated, which, in the context of the illuminated adverts in the Square that operate during the day and night, they considered would not be harmful. The location of the adverts would respond to the general position of adverts on commercial premises in the Square and the conservation area. As such, overall, the Inspector considered the adverts contribute to the vibrant nature of the appeal building and the conservation area.

Site: 28A Leicester Square, London, WC2H 7LE

Description: Installation of a new shopfront including new awning and menu board.

Reason to Allow

The Inspector considered the new shop front is modest in size and in the same location as the former shop front, and follows the established layout and general design. The use of blue coloured metro tiles with white grouting does stand out next to the shop fronts either side of the appeal premises but the previous shop front was also of a stark colour, in contrast with the public house façade and the upper floors. Against this context, and that of other shop fronts in the Square and the area, the Inspector concluded that the character and appearance of the appeal building, and that of the conservation area would be preserved by the schemes.

Site: Eaton House School , 3-5 Eaton Gate, London, SW1W 9BA

Description: Replacement of rear lower ground floor and erection of single storey rear extension at 3 Eaton Gate (first floor to mews) and use of roof as external learning areas, erection of single storey rear extension at 5 Eaton Gate (first floor to mews) and use o

Reason to Allow

The Inspector considered that the public benefits arising in terms of the improved educational facilities and access for all within the school would outweigh the less than substantial harm arising from the proposal.

July 2022

Site: 20 Berkeley Street, London, W1J 8EE

Description: Variation of conditions 12 and 13 of planning permission dated 22 December 2020 (RN: 20/05970/FULL) for the: Variation of Condition 5 and 8 of planning permission dated 16 January 20 (RN 19/08031/FULL), for use of the basement, lower ground floor and ground floor as a restaurant (Class A3). Erection of full height extract duct, alterations to the front fenestration in Hay Hill to create a new shopfront, and alterations to the rear lower ground floor fenestration and lowering of the lower ground floor by 500mm. NAMELY; to extend opening hours of the restaurant, and the hours of use of the plant, to between 07.00 to 02.30 Monday to Saturdays and 08.00 to 02.00 on Sundays and Bank Holidays.

Reason to Allow

The application seeks to vary conditions attached to previous permissions and extend restaurant opening hours. The main issue relates to the effect of the proposed extended customer hours on the living conditions of nearby residents, with regards to noise and disturbance. The restaurant has been vacant for eight years and feedback from interested parties has pointed to the existing permitted opening / operational hours as being too restrictive. The Inspector considered that the proposed extension of customer hours would, on balance, having regard to the site's location and subject to planning conditions, minimise noise impacts and prevent noise intrusion to residential developments so that there would be no material additional adverse effects and would accord with Policies 7, 16, 33 and 36 of the City Plan 2019 – 2040 and Policy MRU1 of the Mayfair Neighbourhood Plan..

August 2022

Site: Apartment 24, Harcourt House, 19 Cavendish Square, London, W1G 0PL

Description: Installation of external awning at seventh floor level.

Reason to Allow

The main issues are whether or not the proposal would preserve the special interest of the listed building and, linked to that, whether or not the proposal would preserve or enhance the character or appearance of the Harley Street Conservation Area. The awning would be located on a new part of the building and would not therefore affect any historic fabric. the top of the awning would be glimpsed from within the public realm around Cavendish Square but, sited on the 7th floor and set back from the front façade of the building, it would not be readily visible or prominent feature in the

street-scene and represents a very modest change to the building as a whole. The Inspector considered proposals would preserve the special interest of the listed building and would comply with Policies 38, 39 and 40 of the City Plan (2021) which in various ways seeks to ensure that new development is in keeping with its context and preserves heritage assets.

Site: Flat 4, 121 Sutherland Avenue, London, W9 2QJ

Description: Creation of a first floor rear balcony with balustrade and enlargement of existing window opening to allow access via French doors

Reason to Allow

The application sought to enclose an existing bay window roof with a metal balustrade to form a balcony area at rear first floor level as well as alter the existing large sash window above the bay to create a doorway to the balcony. The inspector noted the modest alteration to the window, which would be replaced by French doors, utilises the same width of opening, but is extended to meet the roof of the bay, incorporates sensitively designed glazing and retains a vertical emphasis. The slope to the roof of the bay window roof is minimal and its replacement with a flat roof would not be significantly discernible. Moreover, he considered the scale of the balcony is modest and along with the proposed materials and detailing of the balustrade, reflects those found elsewhere in the conservation area, both on front and rear elevations. Consequently, the inspector concluded that the proposal would not be at odds with the vernacular form of the host building or harm the significance of the CA. Therefore, it would preserve the character and appearance of the CA. As such, the proposal would comply with Policies 38, 39 or 40 of the City of Westminster City Plan 2019- 2040 (2021).

September 2022

Site: 68 Queensway

Description: Display of advertisements on railings (enforcement appeal)

Reason to Allow

The site is in the Queensway Conservation Area which the inspector noted is a very busy and vibrant commercial area with a great deal of activity at street level which is reflected in the variety of mainly commercial ground floor frontages which have different types of advertisements, including illuminated and non-illuminated fascia signs and projecting signs. The Inspector noted that as a consequence of their relatively small size, their simple non-illuminated design and the existing visual clutter and bustling ground floor activity along the street the advertisements in question are lost in their immediate visual context and are not visually prominent or intrusive. As such the Inspector considered that the special interest of the conservation area is not diminished by the advertisements and concluded that the continued use of the appeal site for the display of advertisements would not cause substantial injury to amenity, and quashed the notice.

Site: 49 Cambridge Street, London, SW1V 4PR

Description: Amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house

Reason to Allow

The Inspector noted that the proposal would conflict with CP Policy 8 as it would result in the loss of a residential unit and would not meet the stated exceptions. It would result in a dwelling of 218sqm and would therefore exceed the limit stated in the Policy. He also noted that the proposal would enhance the special interest of the listed building. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. As such the proposal is not necessary to protect a heritage asset and would not accord with CP Policy 8B the proposal would create a dwelling that would be only slightly greater in floor area than the limit set in the Policy and would certainly not create a 'super-sized' property. The Inspector considered that although the existing dwelling on the upper floors is capable of being a three-bedroom property in terms of size, the amalgamation of the two dwellings would result in a more attractive family home with three bedrooms, two reception rooms and family bathroom. As such, the residential use would be reconfigured to better meet the needs of families and the harm that would result from the conflict with the CP Policy 8 would be limited.

Appendix B – Legal Costs for Planning Appeals for 2021/22 and 2022/23

2021/22

Appeal Site	Reason for Refusal	Committee Decision?	Inquiry / hearing?	Allowed/ Dismissed	Internal Costs	External Costs
Wilton Road - 19/06682/FULL	Height/ form/ design - harm to CA	Committee overturn	Oct 2021 - 4 day Inquiry	Allowed	£9,191	£17,000
118- 258 Lauderdale Mansions - 19/01391/FULL	Mix of AH, lack of vertical windows/ poor outlook, roof design harm to CA	Committee added 2 additional grounds	22/11/21 - 1 day hearing	Dismissed	£5,003	N/A

2022/23

Appeal Site	Reason for Refusal	Committee Decision?	Inquiry Date	Allowed/ Dismissed	Internal Costs	External Costs
Leconfield House - 20/01200/FULL	Loss of offices, extent of basement construction	Committee with additional ground	07/06/22 - 8.5 days	Dismissed	£16,950	£16,250
M&S, 456-472 Oxford St - 21/04502/FULL	N/A - SoS call-in	Committee resolved to grant on 23/11/21	25/10/22 - 8 days	TBC	TBC	TBC
Kilmuir House - 20/01346/FULL	Inadequate level of on-site AH	Committee overturn	29/11/22 - 4 days	TBC	TBC	TBC