



City of Westminster

Committee Agenda

Title:

Planning & City Development Committee

Meeting Date:

Wednesday 1st November, 2023

Time:

6.30 pm

Venue:

Rooms 18:01 - 03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Ruth Bush (Chair)	Ryan Jude
Jason Williams (Vice-Chair)	Ed Pitt Ford
Barbara Arzymanow	Sara Hassan
Nafsika Butler-Thalassis	Robert Rigby
Md Shamsed Chowdhury	Elizabeth Hitchcock
Paul Fisher	Patrick Lilley
Jim Glen	Louise Hyams

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Governance Officer.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTERESTS

To receive and record declarations of interest.

3. MINUTES AND MATTERS ARISING FROM THE MINUTES

(Pages 3 - 10)

To sign the minutes of the last meeting as a correct record of proceedings.

Matters Arising from the Minutes

4. POLICY UPDATES

(Pages 11 - 16)

**5. PLANNING APPLICATIONS AND APPEALS PERFORMANCE
MID-YEAR UPDATE - 2023/24**

(Pages 17 - 30)

6. DESIGN REVIEW PANEL UPDATE

The Planning & City Development Committee to receive a verbal update on the Design Review Panel.

**7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS
URGENT**

8. DATE OF THE NEXT MEETING

27th March 2024

**Stuart Love
Chief Executive
24 October 2023**



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Wednesday 26th July, 2023**, Rooms 18:01 - 03 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Barbara Arzymanow, Nafsika Butler-Thalassis, Md Shamsed Chowdhury, Paul Fisher, Jim Glen, Ed Pitt Ford, Robert Rigby, Cara Sanquest and Elizabeth Hitchcock

Also Present: Councillors Geoff Barraclough and James Small-Edwards

Apologies for Absence: Councillor Amanda Langford

1 MEMBERSHIP

- 1.1 That Councillor Elizabeth Hitchcock had replaced Councillor Jim Glen on the Planning Applications Sub-Committee (1). Councillor Jim Glen had replaced Councillor Mark Shearer on the Planning Major Applications Sub-Committee.
- 1.2 There were no further changes to the membership.
- 1.3 The Chair thanked Councillor Mark Shearer for his work and contribution towards the Planning Major Applications Sub-Committee.

2 DECLARATIONS OF INTERESTS

- 2.1 There were no declarations of interest.

3 MINUTES AND MATTERS ARISING FROM THE MINUTES

- 3.1 Agreed that the minutes of the Planning & City Development Committee held on 27 April 2023 were a true record of the proceedings.

3.2 Matters arising from the Minutes.

- 3.2.1 Minutes 3.2 – Minutes 3.2.2 Minutes 4 Planning Application And Appeals Performance Mid-Year Updated 4.3.3.

- 3.2.1(i) The Committee were reminded that the Pre-Application fees costings had been circulated to Members and included information regarding previous charges and the increases to fees during the past two-year period.

3.2.2 Minutes 3.2 – Minutes 3.2.3 Minutes 5 Amendments to Sub-Committee Late Representations Procedure 5.7.6

3.2.2(i) The Committee were informed that Members Services ensured that support is provided to Councillors with additional needs or any other impairments and that all reasonable adjustments are made to enable individuals to perform their roles effectively. Members were advised that Members Services should be contacted about support that is available and that an email had been circulated to the Committee on how to request for assistance.

3.2.3 Minutes 3.2 – 8.1.9 National Planning Consultations Update.

3.2.3(i) Members were advised that the consultations response regarding short term lets had been circulated to the Committee.

3.2.3(ii) *Members were informed that no response had been received from the Secretary of State regarding the letter sent by the Cabinet Member for Planning and Economic Development on 5 July 23.*

3.2.4 Minutes 3.2 – Minutes 3.2.4 Minutes 7.1 – Any Other Business Which the Chair Considers Urgent.

3.2.4(i) Members requested that the Secretary of State letter regarding the M&S Marble Arch Branch, 472 Oxford Street, be circulated to the Committee. Members agreed that the letter gave a good insight regarding how decisions by their Sub-Committees are perceived by the Independent Planning Inspectors and Central Government.

3.2.4(ii) The Committee agreed that future discussions be held on what protocols should be adopted for making deputations at their Sub-Committees and this be included as an Agenda Item at their next Meeting. Members noted that at current they were required to leave the Sub-Committee after making their deputations and this was to prevent any covert influence from occurring.

4 ANNUAL UPDATE ON PLANNING APPLICATIONS PERFORMANCE - 2022/23

4.1 The Committee received a report which provided an annual update on the performance of the Town Planning service in terms of the timeliness and quality of its planning application decision making. The performance of the department over the period between April 2022 and March 2023 continues to exceed the required performance thresholds set by the Department for Levelling Up, Homes and Communities (DLUHC).

4.2 Members held a discussion and noted the following: -

4.2.1 The Committee noted that the Borough had twice the number of minor planning applications in comparison to other London Planning Authorities (LPAs). Officers advised that some planning applications were duplicated, and this was due to them also requiring listed building consent and reminded members that a large area of the Central Activity Zone was based

within the Westminster and this geographical area generated a high number of planning applications. The Committee were informed that a large proportion of these applications were commercially based.

4.2.2 Members noted that the number of major planning applications had fallen in comparison to previous years and were informed that this was attributed to several factors which included current cost of funding, viability of build cost for large schemes and uncertainty around the market. The Committee were informed that the type and scale of major applications vary significantly across different London LPAs and therefore it is difficult to make direct comparisons between the Boroughs.

4.2.3 Members requested that future charts which compares the speed of major application decision making with other Inner London Local Planning Authorities be over a period of 12 months rather than 24 months.

4.2.4 The Committee were informed that several London LPAs used tools such as Extensions of Times (EOTs) and PPAs more routinely to assist them in managing the determination of planning applications and reduce their planning applications backlog. These tools aid LPAs in meeting targets in relation to the speed of decision making, but do not deliver a decision prior to the initially set statutory decision date. Officers advised the Committee that current figures regarding the speed of decision making in comparison to other London LPAs were not of concern and that there was a continual drive to improve the Town Planning Service performance. Members noted that making direct comparisons with other London LPAs was difficult as each Borough was unique, and the complexity of their planning applications differed. The number of objections received regarding individual applications were also unique in addition to the number of amendments which are made to these schemes. These factors all have a bearing on the speed of decision making and could elongate the process.

4.2.5 Members requested that future statistics regarding timeliness of decision making include the mean and the range on how long it takes to process planning applications and reasons be given on why they were delayed.

RESOLVED

1. That the contents of the report be noted and the ongoing overall good performance of the Town Planning service in terms of its determination of planning applications in a timely manner and the quality of decision making.
2. That statistics regarding the speed of decision-making for major applications and how they compare to other Inner London Local Planning Authorities be covered over a period of 12 months.
3. That the mean and range be disclosed in future statistics in relation to the timeliness of decision making and reasons be provided on why planning applications were delayed.

5 UPDATE ON APPEALS PERFORMANCE AND TRENDS 2022/23

- 5.1 The Committee received a report which provided an overview of the appeals process and an update on planning appeals received during the last financial year, including an overview of success rate of planning appeals and analysis of any notable and allowed appeals and trends.
- 5.2 Members held a discussion and noted the following: -
- 5.2.1 Members agreed that future statistics regarding appeal performances over a certain period should also include figures of the previous year. The Committee agreed that this would aid in assessing the performance of the Service Area and identifying any trends.
- 5.2.2 The Committee agreed that a guidance on advertisement consent applications should be devised and commented that the guide would be helpful to both Planning Inspectors and Members. Members commented that the Westminster has unique characteristics, and this should be communicated to Inspectors.
- 5.2.3 Members noted that any refusals of planning applications made at their Sub-Committees must be based on strong planning grounds and that advice and guidance should be sought from the Presiding Officer when making these decisions. The Committee noted that a total of three appeals were allowed which related to decisions made at their Sub-Committee and acknowledged that this was a good indicator that the majority of decisions made by these bodies were robust.
- 5.2.4 The Committee noted that the Planning Inspectors decisions regarding appeals should be read and that these case studies were instructive on how Inspectors interpret the development plan policies. Members commented that this information would also be useful to officers.
- 5.2.5 Officers advised that the majority of appeals failed, and these included decisions made by planning committees and under delegated authority. This is a universal trend across all LPAs. Members were informed that decisions made by the Planning Inspectorate could be at odds with their interpretation of the development plan policies and this could either be resolved by amending policy or it be acknowledged that certain appeal decisions can be anomalous and an outlier to the prevailing interpretation of a particular policy. Officers commented that increase costs would be incurred in areas of conflict.
- 5.2.6 Members noted that the grounds of refusal on planning applications which was determined by the Planning (Major) Applications Sub-Committee had been withdrawn during the subsequent Public Inquiry and were advised that such an occurrence was not unique. Officers informed that these actions normally take place when the reasons for a decision to refuse permission are deconstructed during the cross examination of witnesses by appellants legal representatives at appeal. The Committee noted this but commented on the importance of the sovereignty of the Planning Committees.
- 5.2.7 Members thanked Officers for the report.

RESOLVED

1. That the contents of the report be noted and the overall good performance of the Town Planning service in defending decisions to refuse permission at appeal.
2. That future statistics regarding appeal performances over a set period also include the figures of the previous year.
3. That the Committee receive a briefing paper detailing how decisions for reasons of refusals for planning applications made at the Planning Sub-Committees could be withdrawn during subsequent appeals, particularly where the appeal is held by way of a Public Inquiry, and how this affects the sovereignty of the Sub-Committee.

6 DESIGN REVIEW PANEL

6.1 The Committee received a verbal update regarding the recent creation of the Westminster Design Review Panel (DRP). Members were advised that the Chairs of the DRP were interviewed and appointed on 23 May and were involved in the selection process alongside officers in the recruitment of panel members. There are 31 DRP members in total and over 250 applications were received for the Panel. The DRP's first virtual introductory meeting was attended by the majority of panel members and an induction event was scheduled to take place in September. The Committee was advised that they could also attend the induction event. The first Panel is scheduled to take place during the Autumn.

6.2 The Committee noted that the DRP membership had attracted attention from the press, and it had been commented that its make up comprised of highly experienced professionals and talented individuals from the planning industry. The Committee were advised that the calibre of members was extremely high and included individuals from a wide background which included, age, skills, and experience. Members commented on the importance that members of the Panel are locally based and them possessing a good knowledge of the Borough. Officers advised that members of the Panel had good experience of Westminster and some were involved in local community groups. The Committee were reminded that the Borough had a rich plethora of Amenity Societies and Neighbourhood Forums and these bodies ensured that local needs were represented. The Committee were informed that work would continue to ensure that communities are able to share their design expertise. The Panel's webpage will be launched after the biographies of its members have been finalised.

6.3 Members were advised that the recommendations of the Panel would be included in reports of their Sub-Committees. At current there is no defined timeline when this would occur as this would be dependent on when a planning application is considered by the DRP and then brought to a Sub-Committee for determination. Officers advised that the DRPs would have a positive impact on the planning decision process and that the Committee would be kept abreast of any updates in particular what applications are directed to the Panel. This could be referrals from Officers or direct request made by applicants planning agents. Members were informed that the DRP is a self-funding initiative and that developers / applicants would be required to pay a fee for the service. This is the usual practise in place at other LPAs who have DRPs. The fee structures for the DRP are published on the Councils website.

- 6.4 Officers advised that a review of the DRP would take place and commented that the Panel's work needed to be embedded first. The Committee was advised that an independent assessment of the Panel would be undertaken and that its usage by the planning community would also be used as an indicator regarding its effectiveness.
- 6.5 The website also contains information regarding the Terms of Reference, purpose and how the Panel operates. The website can be viewed [here](#).
- 6.6 Members were advised that they could attend the DRP as an observer and this would provide an opportunity to understand how the Panel operates. Officers commented that observing the DRP would give Members more insight and a better understanding of its functions and this would be more beneficial than being presented a committee report. Members commented on the importance that the DRPs is adequately resourced and noted that the back-office infrastructure would ensure this.
- 6.7 The Committee thanked the Deputy Cabinet Member for Planning and Economic Development and Officers for their contribution and work towards the setting up of the Design Review Panel

RESOLVED

That the Westminster City Councils Design Review Panel's Terms of Reference be circulated to the Committee.

7 PLANNING & CITY DEVELOPMENT COMMITTEE CONSTITUTION

- 7.1 The Committee received a verbal update regarding their Constitution. Members was advised that the role of the Planning & City Development Committee was currently being reviewed on whether it should continue to meet in its current format. Officers advised that a briefing paper which details various options regarding possible formats was being drafted and would also include a review of the Terms of Reference of both the P&CD and its Sub-Committees. The briefing paper would be circulated to Members and would provide the basis for discussions regarding the proposed options. Officers advised that the P&CD Committee was the parent body of the Sub-Committees, and this was not reflected in the Terms of Reference, and this would also be addressed in the paper.

8 SUMMARY OF MEMBER TRAINING DURING 2023

- 8.1 The Committee received a report which outlined all the training which members of the Planning Applications Sub-Committees had undertaken to date in 2023 and training topics which was to be covered later in the year. Members noted that training on the appeals process and advertisement consent applications would take place in October. Officers commented that there was uncertainty on how Central Government wanted to secure Biodiversity Net Gain and that training would be arranged once the subject matter had been confirmed. The Committee requested that their induction with members of the DRP be included in the training scheduled. Members were reminded that they could forward request for training on topics of their choice.

RESOLVED

That the Planning & City Development Committee induction with members of the Design Review Panel be included in the Training Scheduled.

9 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

- 9.1 The Chair thanked the Committee for their attendance at the meeting with the Westminster Property Association (WPA). The Committee was informed that the meeting with the Association was useful and provided a good opportunity to obtain the viewpoints of its members and their concerns. The next meeting with the WPA is scheduled to take place in the Spring of 2024. The Committee noted that individual Members received invitations from developers and were reminded to forward enquires from these cohorts to Officers and be mindful of lobbying.
- 9.2 The Chair commented on the Secretary of State decision regarding the M&S Oxford Street Branch planning appeal and highlighted the role of which heritage and sustainability featured in the decision-making. The Committee requested that Officers provide an executive summary of the Secretary of State Letter and Report and that the document sets out the key points.

10 DATE OF NEXT MEETING

Wednesday 1 November

The Meeting ended at 8.00 pm

CHAIRMAN: _____

DATE _____

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City of Westminster

Planning & City Development Committee

Date: 1 November 2023

Classification: General Release

Title: Planning Policy and Legislation Update

Report of: Director of Policy and Projects

Financial Summary: None.

Report Author and Contact Details: Kimberley West (kwest@westminster.gov.uk)

1. Executive Summary

General policy update and look ahead to the 2025 Full City Plan Review.

2. Recommendation

- 2.1 This report is mostly provided for information. Members are asked to consider the contents of this report and to note the progress of the Partial City Plan Review. Members are also asked for their views on the forthcoming Full City Plan Review scheduled for 2025.

3. Partial City Plan Review

3.1 City Plan

- 3.1.1 The Partial City Plan Review began in autumn 2022 with a formal 'Regulation 18' consultation on the scope of the review. The review is three-fold looking at the key policy areas which are of top priority for the administration: In summary these are:
- Affordable housing: reviewing the current tenure split (of 60% intermediate/ 40% social) to instead prioritise new social housing over intermediate (with the precise tenure mix to be informed by findings of the emerging evidence referred to in paragraph 3.2.3 below), and exploring options for the delivery of more affordable housing, including through potential contributions from small sites.
 - Retrofit first: a new policy which will strongly encourage and incentivise retrofitting over demolition to reduce carbon emissions and contribute towards net zero targets (this is covered in more detail in section 3.2).
 - Site allocations: A small number of sites are being prioritised for site allocations that provide site specific guidance to help unlock and shape future development at key underutilised sites. The sites currently being explored for inclusion within

this are: Westbourne Park Bus Garage, Grosvenor Sidings, Royal Oak, Selfridges Hotel and Car Park and St Mary's Hospital.

- 3.1.2 As reported previously, there has to date been broad support for the introduction of new policies on affordable housing and retrofit, subject to the detail of what is included and how flexibly it is applied. Discussions are ongoing with landowners of the sites earmarked for site allocations.
- 3.2.3 Since the Regulation 18 consultation was concluded, officers have commissioned a number of pieces of evidence to inform the new policies and site allocations, including:
- A Housing Needs Assessment – for the affordable housing policy, this piece of work provides an up to date analysis of Westminster's housing needs, especially the affordable housing needs. This will inform the requirements for affordable housing in the new policy, including the tenure split.
 - Building Height Assessment – for the site allocation policies to assess the impacts of different theoretical building heights on each of the sites, which will inform any guidance on suitable height parameters or indicative development capacities.
 - Heritage Impact Assessment – for the site allocation policies to understand the site-specific considerations relating to heritage which will inform the policy wording.
 - Embodied carbon and build costs in Westminster – for the retrofit first policy to help inform the detailed assessments which will be necessary to apply the policy when considering carbon used over the lifetime of a building which has been retained and retrofitted vs. one which has been demolished and rebuilt.
 - A Viability Assessment – to assess the impacts of any new policies on development viability – for example including the impact of seeking a different tenure mix, or affordable housing contributions from small sites.
- 3.2.4 We are intending to undertake informal engagement on the draft policies over the coming months to test the policy principles with key stakeholders and residents ahead of formal 'Regulation 19' consultation that is scheduled to launch at the end of January 2024. Following a review of consultation feedback, and subject to the extent to which it raises any substantial issues to resolve, we then intend to submit the plan to the Planning Inspectorate in early summer 2024 for independent examination. Depending on the length and complexity of the examination, it is then anticipated that the plan would be adopted late 2024/ early 2025.

3.2 Retrofitting

- 3.2.1 Members instructed Officers to introduce a new policy which prioritises retrofitting over demolition and redevelopment as part of the Partial City Plan Review.
- 3.2.2 The Regulation 18 consultation responses were generally supportive of a policy encouraging retrofitting, some responses cautioned against any policy that would allow retrofitting only. Since the consultation closed officers have been working on evidence gathering for the new policy and carrying out modelling to understand the potential impact.

3.2.3 The policy is composed of two parts:

- Part I: For sites involving substantial demolition and major development the policy seeks to control instances where demolition will be permitted and requires that developers explore retrofitting first. Three exceptions are given to the control on demolition, namely where the whole life carbon (WLC) assessment suggests demolition is the most suitable option; where there are bespoke operational requirements that cannot be achieved by repurposing the building; and where significant public benefits are proposed. For major schemes, and where substantial demolition is proposed, a target embodied carbon budget for the development is imposed.
- Part: II: This part of the policy seeks to facilitate retrofitting through two principal mechanisms: firstly, enabling officers to consider the environmental impact of a development on climate change alongside heritage, design and townscape considerations; and secondly encouraging and supporting retrofit schemes to meet best practice.

3.2.4 The purpose of the policy is to not prevent redevelopment but establish more rigorous tests to ensure that retrofit is meaningfully explored. It seeks to achieve the goal of encouraging more applications to adopt a retrofit approach to development.

3.2.5 The Architects' Journal recently published an [opinion piece](#) written by Councillor Geoff Barraclough setting out the form and intention of the policy. More detail on the policy wording will be shared with key stakeholders over the coming months as part of engagement on the draft plan.

4.0 Look ahead to 2025 Full Review

4.1 The Partial City Plan Review is focussed on reviewing the key policy areas which are of the highest priority to the council and it is expected to be adopted in late 2024/ early 2025. Once the Partial Review is adopted the council will then focus on a full review of all other aspects of the adopted City Plan.

4.2 The Full Review will consider every policy in the adopted 2021 City Plan and consider:

- how well it is performing and if it is not meeting its desired outcome, what changes should be made to improve the policy;
- if any relevant legislation or national/regional policy changes have taken place which necessitate an update to the policy;
- if any new policies are required;
- if any new evidence or targets have emerged which affect a policy;
- if the strategic vision and objectives of the plan need revisiting.

4.3 Officers are already starting to consider some of these points and keeping track of suggestions which are made on the performance and content of the adopted City Plan. For example:

- the way people work has shifted significantly post-pandemic and a fresh look at office supply policies in the city may be needed;

- the impact of the current policy on basement developments could be reviewed to see what impact it is having in managing this disruptive form of development; or
- a stronger stance on biodiversity could be set out in our environmental policies following the introduction of new national legislation on biodiversity net gain.

4.4 The PCD committee are **asked to consider what policies they feel require a review** or if any policies are missing from the current plan that a new plan should focus on.

4.5 They are also **asked to consider what ways they would like to be consulted and engaged with** when the full review gets underway in 2025. This could be for example through early Member workshops, questionnaires or surveys or one on one meetings with officers on specific policy issues.

5.0 Legislation update

5.1 The Levelling Up and Regeneration Bill (LURB) touches – among other things – on a wide range of amendments to the planning system, including the introduction of National Development Management Policies (NDMP), the introduction of a new Infrastructure Levy and reform of the plan making process. It had its first reading in Parliament in May 2022 and has been progressing through Parliament in the period since.

5.2 The Parliamentary consideration of the LURB is currently in its final stages and the government currently anticipate it achieving royal assent and passing into law by the end of 2023. However, many of the changes to the planning system contained within the LURB require secondary legislation or new Regulations, Policy and Guidance and currently these are not expected to be in place before autumn 2024.

5.3 Assuming the LURB achieves royal assent later in 2023, it is expected that DLUHC will launch further consultation on the National Development Management Policies in late 2023/early 2024. Given the content of any such policies could have a significant impact on how future development proposals are determined in Westminster and compromise our ability to apply our own locally distinctive policies, the council will need to closely scrutinise any draft policies once available and respond to any consultation accordingly.

5.4 Alongside the progression of the LURB there have been a number of consultations on proposed amendments to how plans are made, to new permitted development rights and changes to the community infrastructure levy during 2022 and 2023.

5.5 The council's responses to the consultations are all available on our [website](#). While we support the principles of proposed changes to the planning system to speed up plan-making, we have some concerns regarding implementation of the proposals which are all explained in the responses provided to DLUHC.

6.0 Financial Implications

6.1 The costs associated with the ongoing preparation of the City Plan Partial Review, including commissioning of evidence base and public examination are to be met from the existing Policy and Projects planning policy budget.

7.0 Legal Implications

7.1 Legal services have considered the contents of this report and do not have any additional comments.

8.0 Conclusion

8.1 The Partial City Plan Review is progressing at pace and will be delivered to the anticipated timetable. Once this is complete, work will commence on a Full Review of the City Plan.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Sean Walsh (swalsh2@westminster.gov.uk)

Appendices:

N/A

Background Papers:

N/A

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City of Westminster

Planning & City Development Committee

Date: 1 November 2023

Classification: General Release

Title: Planning Applications and Appeals Performance Mid-Year Update – 2023/24

Report of: Director of Town Planning and Building Control

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson (ogibson@westminster.gov.uk/07971026919)

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 2023/24. 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 performance for 2023/24 and the report on appeal performance and trends](#) which were reported to the PCD Committee on 26 July 2023. These reports set 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 Received
2023/24	11	1430	2754 (860)	4195

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
2023/24	7	188	92 (51)	287
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
2023/24	8	1273	2356 (795)	3637
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 been consistent with the rate at which applications have been submitted over recent years. This trend has continued through the first half of 2023/24.
- 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
2023/24	409
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 30 requests for advice on proposals to enhance energy performance, of which 20 have been received since the previous mid-year review in October 2022. Whilst this is a low proportion of the overall number of pre-application requests over the same period, householders of non-listed buildings can undertake many 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 quarters of 2023/24 the planning service has met and exceeded the DLUHC performance thresholds for both major and non-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 years in Tables 5 and 6.

Table 5 – Performance against DLUHC thresholds for major planning applications.

Year (Q1 & Q2)	Total Decisions	Total under 13 weeks/ PPA's or EOT's within target	% < 13 weeks or within PPA/EOT Target
2023/24	8	7	87.5%
2022/23	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.

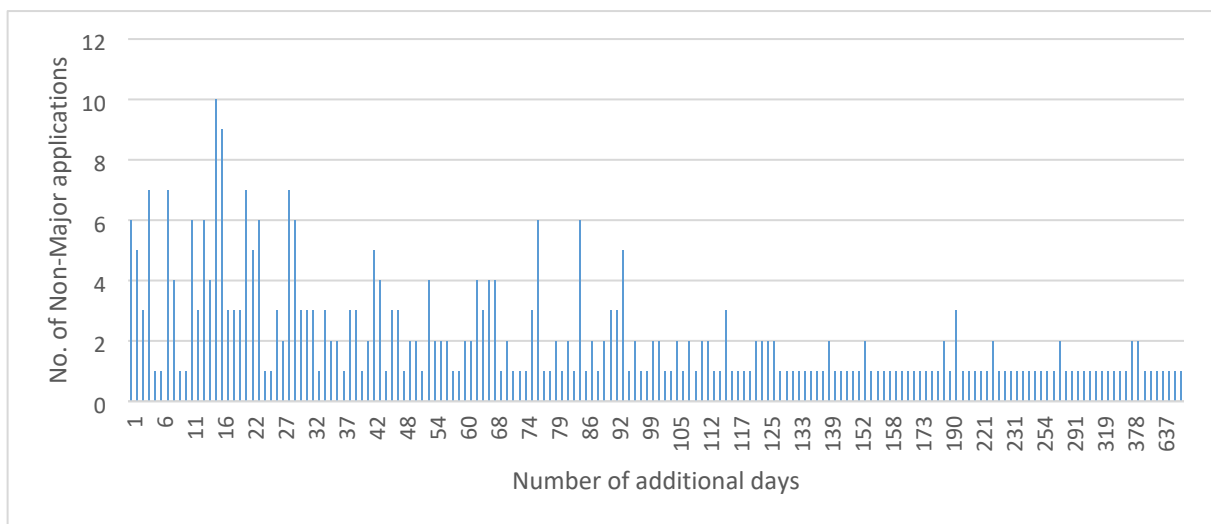
Year (Q1 & Q2)	Total Decisions	Total under 13 weeks/ PPA's or EOT's within target	% < 8 weeks or within PPA/EOT Target
2023/24	1273	932	73.2%
2022/23	1276	975	76.5%
2021/22	2550	1982	77.7%
2020/21	2534	1771	70%
2019/20	3168	2317	73%

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

Year (Q1 & Q2)	Total Decisions	Total under 13 weeks/ PPA's or EOT's within target	% < 13 weeks or within PPA/EOT Target
2023/24	2356	1760	74.7%
2022/23	2238	1741	77.8%

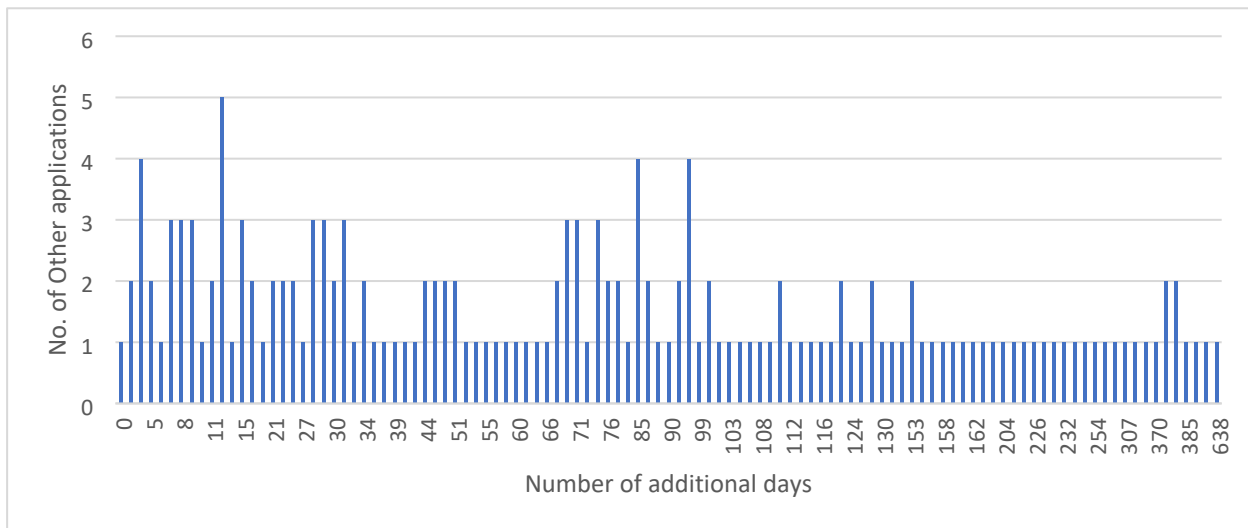
4.2 During the first two quarters 361 non-major applications were subject to an EOT (compared to 368 in 22/23) of which 327 were determined within the agreed extended timeframe. The mean additional timeframe agreed for EOTs on non-major applications was 91 days, whilst the median was 56 days. The range of additional time taken to determine non-major applications subject to an EOT is shown in Figure 1.

Figure 1 - Range of additional time taken to determine Non-Major applications subject to an EOT during Q1 & Q2 2023/24.



4.3 For 'Other' applications determined during the first two quarters, 167 were subject to an EOT (compared to 192 in 22/23) of which 141 were determined within the agreed extended timeframe. The mean additional timeframe agreed for EOTs on other applications was 101 days, whilst the median was 71 days. The range of additional time taken to determine applications subject to an EOT is shown in Figure 2.

Figure 2 - Range of additional time taken to determine 'Other' applications subject to an EOT during Q1 & Q2 2023/24.



4.4 Based on the latest data published by the DLUHC for the period up to June 2023, Tables 8 and 9 show Westminster’s performance for major applications relative to other Inner London boroughs. Westminster’s performance for the year to June 2023 is consistent with that for the preceding 12-month period to June 2022 which was 84.6%.

Table 8 – Comparison of speed of major application decision making with other Inner London Local Planning Authorities for 12-month period to end of June 2023.

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
Camden	30	29	28	93.3%	96.7%
City of London	17	17	17	100.0%	100.0%
Greenwich	30	30	27	90.0%	100.0%
Hackney	14	13	13	92.9%	92.9%
Hammersmith and Fulham	19	19	18	94.7%	100.0%
Islington	26	25	25	96.2%	96.2%
Kensington and Chelsea	14	14	13	92.9%	100.0%
Lambeth	34	34	21	61.8%	100.0%
Lewisham	16	15	13	81.3%	93.8%
Southwark	47	33	35	74.5%	70.2%
Tower Hamlets	42	41	40	95.2%	97.6%
Wandsworth	34	33	28	82.4%	97.1%
Westminster	21	18	18	85.7%	85.7%
Inner London Average	26	25	23	86.0%	94.6%

Table 9 – Comparison of speed of non-major planning application decision making with other Inner London Local Planning Authorities for 12-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
Camden	1,428	1,184	998	68.6%	82.9%
City of London	170	144	130	68.8%	84.7%
Greenwich	1,427	1,344	458	31.6%	94.2%
Hackney	1,206	1,000	384	30.0%	82.9%
Hammersmith and Fulham	1,364	1,263	744	52.2%	92.6%
Islington	1,270	1,245	524	41.3%	98.0%
Kensington and Chelsea	1,703	1,553	728	39.3%	91.2%
Lambeth	1,617	1,480	683	39.3%	91.5%
Lewisham	1,725	1,576	575	29.9%	91.4%
Southwark	1,213	1,010	263	18.2%	83.3%
Tower Hamlets	677	597	259	36.5%	88.2%
Wandsworth	2,187	1,733	731	29.7%	79.2%
Westminster	2,519	1,912	806	28.6%	75.9%
Inner London Average	1424	1,234	560	36.8%	86.7%

4.5 Westminster continues to handle much higher volumes of non-major planning applications, many of which are complex and attract a significant amount of public interest. In addition, 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, which do not attract an application fee, typically require significant resources to assess and determine so that the council complies with its statutory duty to preserve or enhance the heritage assets. This workload and resource, which is generally much higher than for most other Inner London LPAs, impacts upon resources available to deliver quicker decision making for non-major applications.

4.6 Performance for non-majors remains consistent with that previously reported in July 2023 (77.2%) and October 2022 (74.5%)., with performance for the last 12 months up marginally from 74.5% for the previously reported in October 2022.

Quality of Application Decision Making

4.7 The latest compatible data with other LPAs published by the DLUHC for appeals against the council's decisions on major and non-major appeals remains that for the 24-month period to March 2022. This data was provided and analysed in the report the Planning and City Development Committee on 26 July 2023 (see link in para 1.2) and is therefore it is not repeated here. Analysis of the appeal decisions received since April 2023 is provided in Section 5 of this report.

5. Planning Appeals Performance

Performance Statistics

5.1 In addition to the DLUHC targets, the Council sets its own performance target for the percentage of appeal decisions that it expects to be dismissed on an annual basis. The 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 2023/24 are set out below in Table 12, with

data for preceding years provided for comparison. This demonstrates that performance is on track to exceed the 60% target.

Table 12 – Appeal Performance between 1 April 2023 and 30 September 2023

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
2023/24 (Q1 & Q2 only)	62	15	47	76%	60%
2022/23	124	38	86	69%	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 following the end of the 2023/24.

5.3 Almost all of the above appeals relate to delegated decisions taken by officers. During the first two quarters of 2023/24, there was only one 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 (see further details in the 'Notable Appeal Decisions' section and Appendix A). A summary of all allowed appeals during Q1 and Q2 is provided in the appendices.

Awards of Costs & Costs Associated with Appeals

5.4 Awards of costs can be made against the council if it is found to have 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 July 2023 and no further costs awards have been settled in the intervening period (see Table 13).

Table 13 – Appeal Costs Awards between 2019 and 2023

Year	Costs Awarded Against the Council	Costs Awarded in Favour of the Council
2019	None	£42,500 (Maiden Lane)
2020	£51,364 (157 Edgware Road, 103 Eastbourne Mews and 1 Berkeley Street)	None
2021	£6,680 (74 Portland Place and 2 Barton Street)	£89,000 (Dolphin Square and 26 Leinster Square)
2022	£80,000 (191 Old Marylebone Road) £8,400 (9-10 Southwick Place)	None
2023	None	None

5.5 One new award of costs has been made by the Planning Inspectorate against the Council during the first half of 2023/24. This was in the case at 64 Carlton Hill (see August section in Appendix A). The Inspector found that in that case the Council had acted unreasonably by failing to substantiate all of its reasons for refusal at application

stage. The Council is in the process of agreeing the costs to be awarded with the appellant.

- 5.6 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.
- 5.7 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 2023/24 (year to date). There have been no additional legal costs during the first half of 2023/24 (see Appendix B).

Notable Appeal Decisions

- 5.8 The appeal decisions received to date in 2023/24 continue to indicate a divergence between the Council and the Planning Inspectorate, in terms of the level of harm that each attribute to proposals for advertisements, particularly larger temporary advertisements. As reported in July 2023, production of any Supplementary Planning Document (SPD) is subject to a programme within the Local Development Scheme (LDS) and other policy work is currently the priority. A Public Realm SPD is part of the LDS and is currently being drafted. Where appropriate, guidance on advertisements will be included within this SPD. While there is no intention at this stage to produce another specific SPD on this topic, the possibility of more focused and detailed design guidance will also be explored with the policy team.
- 5.9 There was one appeal decision relating to a committee decision and this was the appeal against the Council's decision to refuse permission for the change of use of 1B - 1C Tottenham Court Road from a language school (Class F1) to offices (Class E) (22/00110/TPRE). The application (22/01941/FULL) was recommended for refusal by officers on grounds that the applicant had failed to provide any information to demonstrate that the proposal meet either of the two exceptions within City Plan Policy 17(C) The exceptions set out in Policy 17(C) are (1) that the loss/relocation of the social and community use was necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or (2) there was no demand for an alternative social and community use as evidenced by vacancy and appropriate marketing for at least 18 months). The Sub-Committee on 26 June 2022 resolved refuse permission on the grounds set out by officers in the committee report, namely that the loss of the community infrastructure and facility would be contrary to London Plan Policy S1, City Plan Policy 17 and Fitzrovia West Neighbourhood Plan Policy PR40.
- 5.10 At appeal the appellant produced additional marketing details, which were not before the Council at the time it made its decision in June 2022, which the Inspector resolved to take into consideration. In light of the additional marketing information, in making his decision in July 2023, the Inspector concluded that a sufficiently long marketing period of two years had been undertaken, which had failed to find an alternative social and community use to occupy the building. Therefore, the proposed

office use was found to be consistent with Policy S1 of the London Plan, Policy 17 of the City Plan and Policy PR4 of the Neighbourhood Plan.

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 continues to exceed the DLUHC and internally set performance indicators for applications and appeals. This demonstrates that the department 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 planning 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 2023/24.
- B. Legal Costs for Planning Appeals for 2021/22 to 2023/24

Background Papers:

None.

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

April 2023
<p>Site: The London Pavilion, 1 Piccadilly, London, W1J 0DA (22/00115/ADVNT)</p> <p>Description: Display of two externally illuminated hoardings each measuring 12m x 12.5m.</p> <p>Reason to Allow: The main issue in this case was the impact of proposals on visual amenity. The appeal building is Grade II listed and in a prominent site fronting Piccadilly Circus. The Inspector considered that the advertisements would primarily be read in connection with lively character of the area and would be subservient to the advertisements opposite (Piccadilly Lights). They noted that the proposal is for a temporary period and the temporary nature of the advertisements would be evident to passers-by. As such they considered that the proposal would preserve the significance and setting of the heritage assets identified above and would not harm the visual amenity of the area.</p>
<p>Site: 20 Cockspur Street, London, SW1Y 5B (22/00098/ADVREF)</p> <p>Description: Display of one non-illuminated advertisement measuring 5m x 4m set within a 1:1 facade replication for a temporary period of 6 months.</p> <p>Reason to Allow: The main issue in this case was the impact of proposals on visual amenity. The appeal premises are Grade II Listed and within the St James Conservation Area. The Inspector considered that in this case that as the extent of the proposed commercial advertising is around 7% of the total area of the shroud this is not dominant in the context of the building or the area. The inspector concluded that the proposal would, at worst be neutral in its effect and would preserve the conservation area and the other heritage assets and as such would comply with the policy.</p>
<p>Site: 7 Carlos Place, London, W1K 3AR (22/00149/ADVREF)</p> <p>Description: Display of a non-illuminated flag measuring 2.8m X 1.5m.</p> <p>Reason to Allow</p> <p>The main issues were the effect of the proposed flag on the amenity of the locality, the character or appearance of the CA and its effect on the setting of the adjoining grade II listed building. The Inspector considered that the size of the flag would be compatible with the size and location of the flagpole and the grand scale of the building to which it is attached. They considered that the use of a flag to advertise the shop use of the ground floor would be compatible with the commercial character of the street and would remove or reduce the need for forms of signage fixed directly to the listed building. As such they considered that the installation of a flag to advertise the shop use would be appropriate in this particular location, would not harm the amenity of the area, would preserve the character and appearance of the CA and result in no material harm to the settings of the listed buildings.</p>
<p>Site: 1 - 4 Suffolk Street, London, SW1Y 4HG (22/00019/HBREF)</p> <p>Description: Installation of secondary glazing to three windows at first floor level on front elevation.</p> <p>Reason to Allow: The main issue was the impact on the special interest of the listed building. The inspector noted that the works would not result in the loss of historic fabric, that the design would be compatible with existing window panelling and mouldings. They considered that proposed works would be reversible and would not cause irrevocable harm to the heritage asset as would be the case from loss of historic windows and the installation of inappropriate window replacements. The Inspector concluded that the proposed works would not in any way be harmful and would preserve the special architectural and historic significance of the heritage asset.</p>
May 2023
<p>Site: 5 Sherlock Mews, London, W1U 6DW (22/00145/HASREF)</p> <p>Description: Replacement of existing doors, windows, garage door at ground floor and demolition of the front mansard roof slope with an extension at second floor level; installation of PV panels, skylights and planter at roof level.</p>

Reason to Allow

The main issue was the effect of the proposal on the character and appearance of the Portman Estate Conservation Area. The inspector noted that while the proposal would break the eaves line that matches the mews properties to the south, it would not look out of place given the taller property with higher eaves to the north. They considered that the solar panels and roof lights proposed would be likely to have very limited visibility from most public and private vantage points of any real proximity and would sit within an environment where ancillary items on rooftops are not uncommon. Further, the door alterations would be acceptable given the varied openings that are visible elsewhere in the Mews. The Inspector concluded that the proposal would not therefore harm the appearance of the building within its context and would preserve the character and appearance of the Conservation Area, the heritage significance of which lies in part with the form, scale, materials and detailing of its buildings and there would be no conflict with policy.

June 2023**Site:** [40 and 41 Caro Point, 5 Gatliff Road, City of Westminster, London SW1W 8BA \(22/00108/TPREF\)](#)**Description:** Amalgamation of 2 no. 2-bedroom units into single 4-bed family unit.

Reason to Allow: The main issue in this case was the effect of the proposed development on the supply of housing in Westminster. The inspector noted that the City Plan defines family housing to be dwellings with between 3 and 5 bedrooms. The proposed flat would result in 4 bedrooms and there falls within this definition. As a result of the amalgamation of the total number of bedrooms would remain the same, and as single dwelling would be capable of accommodating the same number of people as the two flats as existing. The overall level of floorspace of residential accommodation would also be unaffected. They therefore considered that although the proposal would lead to the loss of one residential unit, in this instance, would not lead to the overall loss of a family unit. The Inspector concluded that there would, therefore, be no conflict with the aims of Policy 8 of the City Plan, which seeks to protect the supply of family sized dwellings and considered the harm to the City's housing supply would be negligible.

Site: [32 Gerrard Street, London, W1D 6JA \(22/00144/ADVREF\)](#)**Description:** Display of internally illuminated projecting sign measuring 1.454m X 0.4m.**Reason to Allow**

The main issue is the effect of the advertisements on the amenity of the area. The Inspector considered that the size and composition of the advertisements reflect the features of the building's façade. As a result, they integrate well with the host building, are in keeping with the street scene and preserve the significance of the conservation area. projecting box signs and internal illumination are not uncommon types and features of signage along Gerrard Street and add to the diversity of advertisements within the CTCA. The projecting sign has a relatively simple form that relates well to the character and scale of the host building. It also appeared to be of a high quality and uses the same style and red and blue colour palette as the fascia signs. Given the position and size of the projecting sign, the type of internal illumination described is unlikely to make the sign overly prominent during the hours of dark. The inspector concluded that the proposal would preserve the significance of the Chinatown conservation area and would not harm the amenity of the area and would comply with policy.

Site: [24 Biddulph Road, London, W9 1JB \(23/00016/HASREF\)](#)**Description:** First floor rear extension, replacement rear facing dormer including new balcony, 2 replacement and 3 new front facing rooflights, recovering of the main roof, decoration of existing pebble dash and window replacement.**Reason to Allow**

The main issue in this appeal was the effect of the proposal on the character and appearance of the host dwelling and area, and whether it would preserve or enhance the character and appearance of the Maida Vale Conservation Area. The Inspector

considered that the proposed rear extension would assimilate well with the host dwelling. noted that the proposed rear dormer would be a similar size to the existing rear, the proposed transparent glass balustrade would be inconspicuous and concluded that the proposal would not harm the character and appearance of the host dwelling and surrounding area or the significance of the conservation area and would therefore accord with Policies 39, 40 and 41 of the Westminster City Plan (2021).

Site: [79A Warwick Avenue, London, W9 2PP \(22/00104/TPREF\)](#)

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

Reason to Allow

The main issue in this case was the effect of the proposed development on the character and appearance of the Maida Vale Conservation Area. As part of the appeal submission, the appellant put forward a revised drawing which omitted contentious aspects of the proposal considered by the council – two proposals were therefore considered. The inspector agreed this approach and considered two appeals – the original proposal as considered by the council was dismissed but the revised proposal which had not been considered previously was allowed.

July 2023

Site: [Park Lane Casino, 22 Park Lane, London, W1K 1BE \(22/00142/ADVREF\)](#)

Description: Display of high level 2 internally illuminated fascia signs measuring 3m x 0.81m and 2 high level internally illuminated fascia signs 2.66m x 0.3m for a temporary period from 1st December 2022 until 1st December 2027.

Reason to Allow

The main issue in this appeal is the effect of the proposal on the amenity of the area and whether it would preserve or enhance the character or appearance of the conservation area. The Inspector noted that the signage would not be illuminated in the sense that would generally be expected of an internally illuminated sign. Instead, the installation would have the appearance of 'halo' illumination. The signage would sit towards the top of the base structure comprising the lower floors of the building, raised above the surrounding streetscape. The high-rise part of the hotel is illuminated during hours of darkness, and the proposed signage would also sit close to large areas of glazing and an external terrace forming part of the hotel and its associated operations, with the likelihood being that these areas would be active and illuminated into the evening. Whilst the elevated position of the signage would give it a certain prominence, it would be a relatively discrete addition to the building elevations in the context of the existing surroundings. Furthermore, during daylight hours the colour of the proposed signage would assimilate well with the adjacent window frames and balustrading on the building. As such, the proposed advertisements would be appropriate to the location and would not harm the amenity of the area. The proposals would have a neutral effect on the significance of the CA and would therefore preserve its character and appearance.

Site: [9 Paddington Street, London, W1U 5QJ \(22/00113/TPREF\)](#)

Description: Application for full Planning Permission for new doors and windows to flats 1, 2 and 6 facing an internal courtyard within 7 and 9 Paddington Street.

Reason to Allow: The main issue is the effect of the proposal on the character or appearance of the Harley Street Conservation Area. The Inspector noted that the appeal property and its immediate neighbour is much altered at the rear, and the symmetry of fenestration which may have existed originally in this terrace is considerably diminished by these changes. As such additional changes could be absorb without harming the remaining historic interest of the appeal property and the wider terrace.

Site: [75 Clifton Hill, London, NW8 0JN \(22/00083/TPREF\)](#)

Description: Sycamore (T1) and Sycamore (T2) remove and replace with two common hornbeam (*Carpinus betulus*).

Reason to Allow: The main issues are the effect of the proposal on the character and appearance of the area and whether the reasons given justify the proposed works. The inspector considered that the trees given their location in back gardens had limited public amenity value, and if they were to be felled there would not be a significant adverse effect on the character and appearance of the area. The extent of the nuisance from the secretion of honey dew by the lime leaf aphid from these large trees weighs in favour of their removal and replacement with trees more suitable to their setting. The appellants' offer to provide two large common hornbeam trees as replacements. As such the Inspector concluded that the balance in this instance lies in favour of the proposal. As such, sufficient justification has been provided to fell the trees.

August 2023

Site: [354-358 Oxford Street, London, W1C 1JJ \(23/00012/ADVREF\)](#)

Description: Display of an externally illuminated fascia sign measuring 1m x 9.46m.

Reason to Allow The main issue is the effect of the advertisement on the amenity of the area, including the Stratford Place Conservation Area. The Inspector considered that the proposed advertisement would be sensitively designed and would not harm the architectural details of the host building or create visual clutter. It would add appropriate interest and variation to this part of the SPCA in keeping with the amenity of the area.

Site: [1B - 1C Tottenham Court Road, London, W1T 1BB \(22/00110/TPRE\)](#)

Description: Change of use from vacant language school (Class F1) to offices (Class E)

Reason to Allow The main issue in this case is, having regard to development plan policy, the effect of the proposal on the character and function of the area. The Inspector considered that given that the property has been vacant for two years and has undergone a lengthy period of marketing, it is consistent with Policy S1 of the London Plan, Policy 17 of the City Plan and Policy PR4 of the Neighbourhood Plan. An application for costs was also made but no costs awarded. This application was originally refused at Sub-Committee on 26 June 2022.

Site: [64 Carlton Hill, London, NW8 0ET \(22/00112/HBREF\)](#)

Description: Excavation of a new basement level with rear lightwell; Erection of rear single storey extension and formation of window to rear; Installation of air conditioning unit in rear garden; replacement of railings; and associated external alterations.

Reason to Allow

Two appeals were allowed for planning permission and listed building consent on this site. An award for costs was also allowed. Amended plans were submitted and accepted by the Inspector during the course of the appeal. The Inspector noted that whilst the extension would be sizeable, it would be proportionate to the existing dwelling which is three storeys high from the rear. The existing extensions have already altered its original appearance and the Inspector considered it to be a successful design approach. Other minor alterations proposed to the rear elevation of the building would represent enhancement and it was not considered the internal works would harm the special interest of the listed building. As such, overall the inspector concluded that the proposal would preserve both the special historic and architectural interest of the Grade II listed building and the character and appearance of the St Johns Wood conservation area.

September 2023

None

Appendix B – Legal Costs for Planning Appeals for 2021/22 to 2023/24

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

2023/24

Appeal Site	Reason for Refusal	Committee Decision?	Inquiry Date	Allowed/ Dismissed	Internal Costs	External Costs
N/A	N/A	N/A	N/A	N/A	N/A	N/A