



City of Westminster

Planning & City Development Committee

Date: 27 July 2022

Classification: General Release

Title: Annual Update on Planning Applications and Appeals Performance – 2021/22

Report of: Director of Town Planning and Building Control

Financial Summary: None.

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1. Executive Summary

- 1.1 This report presents an annual update on the performance of the Town Planning service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals.
- 1.2 The performance of the department over the period between April 2021 and March 2022 continues to exceed the required performance thresholds set by the Department for Levelling Up and Communities (DLUC).

2. Recommendation

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

3. Background

DLUC Planning Application Speed and Quality Performance Thresholds

- 3.1 The performance of local planning authorities (LPAs) in determining planning applications for major and non-major development is assessed by the DLUC over a 24-month rolling period after every quarter. DLUC does not monitor the performance of local planning authorities in determining 'other' applications. 'Other' applications comprise all applications that are not for planning permission. Applications that are included within the 'other' applications category include applications for approval of details pursuant to a planning condition, listed building consent, advertisement consent, prior approval and certificates of lawfulness. Whilst 'other' applications are not monitored by DLUC, their assessment and timely determination makes up a significant proportion of the services annual workload (see figures in Section 4).

- 3.2 The assessment of performance for major and non-major is judged by the DLUC against two separate measures of performance, as set out in 'Improving Planning Performance – Criteria for Designation, which was published in 2020 by the forerunner of the DLUC, the Ministry of Housing, Communities and Local Government (MHCLG). The measures of performance are:
- the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
 - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
- 3.3 For major applications the DLUC sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant. For non-major development the DLUC threshold is 70%.
- 3.4 The DLUC measures the quality of decision making by LPAs by monitoring their success rate at appeal. For both major and non-major development, the DLUC sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal.
- 3.5 Where an LPA does not meet or exceed these thresholds, it can be 'designated' by the DLUC on behalf of the Secretary of State. Where an LPA is designated, it must produce an improvement plan for areas of weakness and applicants may apply directly to the Planning Inspectorate for determination of the category(ies) of applications for which the authority has been designated.

Planning Appeals Process

- 3.6 Following refusal of any planning decision (including listed building and advertisement consents), applicants have the right of appeal to the Secretary of State. This includes appeals made against the non-determination of an application that has passed the statutory time period for determination or against the serving of a formal Notice including a Planning Enforcement Notice, a Listed Building Enforcement Notice and a Discontinuance Notice Enforcement Notice. There is no right of appeal for objectors or other third parties, only the applicant.
- 3.7 An independent Planning Inspector is appointed by the Secretary of State to determine appeals. Where an appeal is dismissed at appeal, permission can be withheld for all, some or even different reasons to those cited by the council. If an appeal is allowed, planning permission or a related consent is granted, subject to conditions determined by the Planning Inspector. There are several grounds of appeal against enforcement notices, including grounds whereby an appellant argues that permission/consent should be granted for the unauthorised works that are required to be removed or otherwise remedied by the notice. These appeals are in effect the same as an appeal against a refusal of planning permission or listed building consent and the policies used to justify the service of the notice are tested.
- 3.8 There are three types of appeal procedure: written representations, informal hearings and public inquiries. Written representations are the most common, usually used for cases where the planning issues are straightforward and there is limited public interest. Informal hearings consist of a structured discussion, led by the Inspector. Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses.

- 3.9 Appeal decisions are important in monitoring quality of decision-making and testing effectiveness of policy. As referenced in paragraph 3.1 and 3.4, the Secretary of State uses the percentage of decisions overturned on appeal as an indicator of the quality of decisions made by planning authorities.
- 3.10 When an application is refused, the reasons for refusal need to be clear, evidence based and linked to development plan policies, otherwise there is a risk that the decision could be overturned on appeal. The same is true for the various forms of enforcement notices. If the council is deemed to have acted unreasonably, there is a risk of an award of costs against the council irrespective of the appeal decision itself. A costs award can relate to the full or partial cost of the appellant's costs in making the appeal, dependent upon the nature of the unreasonable behaviour and the extent to which this has resulted in the appellant incurring unnecessary costs in making the appeal. Where an appellant has acted unreasonably during the appeal process the council can also seek a full or partial award of costs.
- 3.11 Appeal decisions are also important as part of the planning history of a site and a material planning consideration when determining any subsequent applications. An appeal decision can indicate how a development could be amended to make it acceptable. Appeal decisions can also be helpful in testing the wording of current policies and indicating where future changes could be made to improve policies or prevent unintended consequences. Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the National Planning Policy Framework (NPPF) can help to improve future local decision making.

4. Planning Application Volumes

- 4.1 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 2021/22 in context with comparative volumes for preceding years.

Table 1 – Volume of applications received.

Year	Major Applications	Non-Major Applications	Other Applications	Total Validated
2021/22	38	3099	4923	8060
2020/21	38	2917	4468	7423
2019/20	61	3639	5568	9268

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

Year	Major Applications Withdrawn	Non-Major Applications Withdrawn	Other Applications Withdrawn	Total Withdrawn
2021/22	5	354	385	744
2020/21	2	363	364	729
2019/20	6	493	516	1015

Table 3 – Volume of applications determined.

Year	Major Applications	Non-Major Applications	Other Applications	Total Determined
2021/22	26	2550	4413	6989
2020/21	35	2534	4036	6605
2019/20	49	3168	5075	8292

- 4.2 In addition to handling planning and other related applications, the planning service provides a comprehensive pre-application advice service for residents, businesses, and developers. Since April 2022, this service has included a discounted fee for advice to householders on energy efficiency and sustainability improvements. Table 4 shows the total volume of valid pre-application advice requests that were received during 2021/22 in context with volumes in previous years.

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

Year	Pre-Application Requests
2021/22	714
2020/21	733
2019/20	1002

5. Planning Applications Speed and Quality of Decision Making

Speed of Application Decision Making

- 5.1 For the one-year period from April 2021 to March 2022 the City Council met and exceeded the DLUC performance thresholds for both major and non-major applications. The major applications threshold was exceeded by 28.5%, whilst the non-major applications threshold was exceeded by 7.7%. Performance for 2021/22 is shown with comparative data for the preceding two years in Tables 5 and 6.

Table 5 – Performance against DLUC 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
2021/22	26	23	88.5%
2020/21	35	26	77%
2019/20	49	36	74%

Table 6 – Performance against DLUC 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
2021/22	2550	1982	77.7%
2020/21	2534	1771	70%
2019/20	3168	2317	73%

- 5.2 The latest data published by the DLUC for the rolling 24-month period up to the end of March 2022 (see Tables 7 and 8) shows Westminster's performance for major applications to be 78% (up from 75% for the 24 months to March 2021), whilst performance for non-major applications is 73.8% (up from 72% for the 24 months to March 2021). The latest performance statistics demonstrate that the planning service continues to handle a high volume of applications, whilst also providing timely decision making for the significant majority of applications.
- 5.3 The timeliness of decision making has been improved during 2021/22 through the implementation of a renewed focus on the speed of decision making. The improvements have been underpinned by improvements to data monitoring within the department and better case management and monitoring. The improvements to the speed of decision making have been delivered without an adverse impact on the quality of decision making or customer service.

Table 7 – Comparison of speed of major application decision making with other Inner London Local Planning Authorities for 24-month period to end of December 2021.

Local Authority	Total Major Apps	Decisions in agreed time limit (13 Weeks, PPA, EoT or EIA)	% of Apps that had a PPA, EoT or EIA	% Within 13 Weeks or Agreed Time Limit	% change on previous performance for 24 months to March 2021
Camden	68	64	86.8%	94.1%	+6.8%
City of London	41	37	92.7%	90.2%	+1.3%
Greenwich	64	64	93.8%	100.0%	0.0%
Hackney	69	64	85.5%	92.8%	-1.2%
Hammersmith and Fulham	40	39	75.0%	97.5%	-0.2%
Islington	48	47	85.4%	97.9%	+1.8%
Kensington and Chelsea	46	46	80.4%	100.0%	+5.5%
Lambeth	87	85	89.7%	97.7%	-2.3%
Lewisham	45	45	86.7%	100.0%	+2.3%
Southwark	133	102	70.7%	76.7%	-15.2%
Tower Hamlets	78	69	80.8%	88.5%	-2.2%
Wandsworth	93	87	75.3%	93.5%	-2.2%
Westminster	74	57	85.1%	77.0%	+2.0%
Inner London Average	68	62	82.5%	91.0%	+0.1%

Table 8 – 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)	% of Apps that had a PPA, EoT or EIA	% Within 8 Weeks or Agreed Time Limit	% change on previous performance for 24 months to March 2021
Camden	2,551	2,109	75.5%	82.7%	-3.8%
City of London	384	336	69.3%	87.5%	-4.3%
Greenwich	2,599	2,488	35.1%	95.7%	-0.2%

Hackney	2,586	2,186	22.7%	84.5%	-0.7%
Hammersmith and Fulham	2,859	2,641	49.7%	92.4%	+2.5%
Islington	2,263	2,143	36.3%	94.7%	+2.6%
Kensington and Chelsea	3,130	2,188	15.7%	69.9%	-0.6%
Lambeth	3,341	3,198	41.2%	95.7%	-0.6%
Lewisham	3,191	3,006	27.3%	94.2%	+0.1%
Southwark	3,087	2,641	26.8%	85.6%	+3.2%
Tower Hamlets	1,642	1,456	34.2%	88.7%	+0.7%
Wandsworth	4,658	3,936	25.9%	84.5%	+3.4%
Westminster	5,246	3,825	17.7%	72.9%	+1.2%
Inner London Average	2,887	2,473	32.5%	85.7%	+1.0%

- 5.4 Whilst the performance level of other Inner London Boroughs in the determination of non-major applications appears higher than Westminster, this is largely reliant on other LPAs more extensively utilising Extensions of Time (EoTs) and Planning Performance Agreements (PPAs) to extent the time for determination of planning applications beyond the statutory 8-week timeframe. The planning service avoids this approach and instead focuses on determining a higher proportion of applications within the statutory 8-week timeframe. Those other Inner London LPAs that more prevalently utilise EoTs and PPAs to extend timeframes are able to achieve higher proportions of decisions within the flexible DLUC timeframes, however, this does not necessarily mean that in practice their decision making is faster than that delivered by Westminster.

Quality of Application Decision Making

- 5.5 The latest data published by the DLUC for major application appeals demonstrates that in the 24-month period to the end of September 2020 (latest period published by the DLUC) the council handled 95 major applications none of which resulted in appeals. For non-major application appeals in the same 24-month period to the end of September 2020, the council handled 6,024 non major applications of which 172 resulted in appeals and of this number 57 were allowed. For non-majors, as a percentage of the total number of non-major applications handled in this period this equates to 0.9%. In both cases, this is well below the 10% threshold for designation and maintains the performance for the previous reporting period to September 2020, which was also 0.9% for non-majors.
- 5.6 Tables 9 & 10 below benchmark Westminster's appeal performance against other inner London boroughs. In addition to overturned decisions, Table 9 includes the number of non-major appeals made per 100 non-major applications. This shows the rate of appeal for non-majors in Westminster to be one of the lowest across Inner London LPAs. This suggests that our decisions are well justified in delegated and committee reports leading to a relatively low proportion of applications being subject to challenge at appeal. For major applications, Westminster's qualitative performance shown in Table 6 also compares favourably with other Inner London LPAs, with only Westminster, Camden, City of London and Hackney having no major decisions overturned at appeal. However, the latter three also determine fewer major applications than Westminster.

Table 9 – Comparison of quality of non-major planning application decisions with other Inner London LPAs for 24-month period to the end of September 2020 (latest period published by DLUC).

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 March 2019
Camden	2,817	134	4.7	36	1.3%	0.3%
City of London	527	3	0.5	1	0.2%	0%
Greenwich	2,511	207	8.2	80	3.2%	0.7%
Hackney	2996	144	4.8	48	1.6%	-0.7%
Hammersmith and Fulham	2,660	137	1.3	51	1.9%	-0.4%
Islington	2,280	133	5.8	35	1.5%	0.1%
Kensington and Chelsea	3,282	104	3.2	38	1.2%	
Lambeth	3,273	146	4.5	36	1.1%	-0.7%
Lewisham	3,237	185	5.7	42	1.3%	-0.4%
Southwark	2,657	70	2.6	17	0.6%	-0.1%
Tower Hamlets	1,537	80	5.2	13	0.8%	0.2%
Wandsworth	4,514	112	2.5	27	0.6%	-0.2%
Westminster	6,024	172	2.8	57	0.9%	0%

Table 10 – Comparison of quality of major planning application decisions with other Inner London LPAs for the 24-month period to the end of September 2020 (latest period published by DLUC)

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 March 2019
Camden	51	2	3.9	0	0.0%	0%
City of London	33	0	0	0	0.0%	0%
Greenwich	79	3	3.8	2	2.6%	+0.2%
Hackney	73	3	4.1	0	0.0%	0%
Hammersmith and Fulham	45	6	13.3	2	4.4%	-2.8%
Islington	64	4	6.3	2	2.7%	-1.6%
Kensington and Chelsea	60	2	3.3	1	1.7%	-2.5%
Lambeth	82	6	7.3	4	4.9%	-2.4%
Lewisham	50	3	6.0	1	2%	0.2%
Southwark	105	5	4.8	2	1.9%	-0.5%
Tower Hamlets	90	3	3.3	2	2.2%	-2.1%
Wandsworth	90	5	5.6	3	3.3%	+0.2%
Westminster	95	0	0	0	0%	0%

6. Planning Appeals Performance

Performance Statistics 2021/22

- 6.1 In addition to the DLUHC targets, as set out above, we set our own performance target for the percentage of appeal decisions we expect to win at 60%. This includes appeals dismissed or part dismissed as a percentage of total number of appeals decided. The annual performance for planning appeal decisions received during the most recent full year (April 2021- April 2022) are set out below in Table 11, with previous three years provided for comparison. The success rate for the council at appeal this year was **66%**. Although performance has dropped from last year, this remains above the target. Table

11 also demonstrates a slight drop in total number of planning appeals decided relative to the preceding years.

Table 11 – Appeal Performance between 1 April 2021 and 30 March 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
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%

6.2 Of the appeal decisions received during 2021/22 the majority were decided through written representations. There was one decision received following a public inquiry and four appeal decisions made following informal hearings. This is consistent with previous years.

6.3 In terms of types of appeals, a breakdown of appeals won and lost and the types of applications involved is set out below in Table 12. This suggests a lower success rate for advertisement and telecoms appeals, with consistently higher success rate for listed building consent and enforcement appeals. A full summary of all appeals allowed during 2021/22 and the reasons that the Planning Inspectorate gave for allowing the appeals is provided in Appendix 1.

Table 12 – 2021/22 Appeal Performance by Application Type.

Type of Application	Appeals Decisions Received				
	Total	Allowed	Dismissed	Part Allowed/ Part Dismissed	Percentage either Dismissed/ Part dismissed
Full Planning	67	23	42	2	44 (66%)
Approval of Details	1	1	0	0	0 (0%)
Prior Approval	2	1	1	0	1 (50%)
Listed Building Consents	15	3	11	1	12 (80%)
Telecoms	5	3	2	0	2 (40%)
Advertisements	18	9	7	2	9 (50%)
Enforcement	7	1	6	0	6 (86%)
Certificate of Lawfulness	3	0	3	0	3 (100%)
Tables and Chairs	0	0	0	0	n/a
Trees	1	0	1	0	1 (100%)
WCC Total	119	41	73	5	78 (66%)

Appeals following a Committee Decision

- 6.4 Almost all of the above appeals relate to delegated decisions taken by officers. During the 2021/22 period, there was one appeal decision received which related to an application where the decision to refuse permission was taken by one of the Planning Applications Sub-Committees. In this case the original officer recommendation to grant conditional permission was overturned by committee but was allowed by the Planning Inspector. The allowed appeal decision is summarised below:

Table 13 – Allowed Appeals resulting from Committee Overturned Decisions

	Reference No./ Site Address	Proposal and Appeal Outcome
1.	<p>19/06682/FULL 52-73 Wilton Road</p> <p>Sub-Committee Report and Minutes Link</p> <p>Appeal Decision Link</p>	<p><u>Proposal:</u> Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedrooms flat) with balconies (use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.</p> <p><u>Sub-Committee Resolution:</u> The Sub-Committee resolved that the application should be refused due to its height, form and design.</p> <p><u>Reason to Allow:</u> The Inspector considered that the proposal would attain an exemplary standard of design that would optimise the use of the site and bring an uplift to the character and appearance of the area, while causing no harm to the setting or the significance of designated heritage assets.</p>

Awards of Costs

- 6.5 As set out in paragraph 3.10, costs can be awarded against the council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could otherwise have been avoided.
- 6.6 During the previous financial year there were no costs awards in favour of the council or against it. For context, Table 14 sets out the costs awarded by the Planning Inspectorate, both for and against the council, since 2019.

Table 14 – Appeal Costs Awards between 2019 and 2022

Year	Costs Awarded Against the Council	Costs Awarded in Favour of the Council
2019	-	£42,500 (Maiden Lane)
2020	£51,364 (157 Edgware Road, 103 Eastbourne Mews and 1 Berkeley Street)	-
2021	£6,680 (74 Portland Place and 2 Barton Street)	£89,000 (Dolphin Square and 26 Leinster Square)
2022	-	-
Total	£58,044	£131,500

Appeal Trends and Policy Implications

- 6.7 There have been no significant trends that have emerged in appeal decisions during 2021/22 that relate to the application of the new policies within the City Plan 2019-2040 that was adopted in April 2021.
- 6.8 In terms of general trends there was a rise in advertisement appeals (increased from 6 in 2020/21 to 18 in 2021/22). Suppressed numbers of advertisement consent applications during the pandemic due to reduced commercial activity is likely to have caused the lower volume of advertisement appeals during the previous year. However, the success rate in defending these appeals remained at 50%.
- 6.9 Inspectors' decision letters for allowed advertisement consent appeals indicate that Inspectors appear to be increasingly inclined to take a more lenient approach to advertisements in commercial areas (see the decisions at 17 and 19 Leicester Square in December 2021 in Appendix A as examples). However, there is no indication this relates specifically to the adoption of the City Plan 2019-2040 in April 2021 or the subsequent revocation of the old 'Advertisement Design' SPG in January 2022, given that many of the appeal decisions refer to the former SPG. It is possible that other factors such as, but not limited to, supporting economic recovery following Covid, may have influenced the judgement of Inspectors in more finely balanced appeals. This trend will be monitored, and officers will update Members on this issue as part of the next performance report to this committee.
- 6.10 During 2021/22 there was a significant fall in the number of enforcement appeals, down from 19 in 2020/21 to 7 this year. However, it should be noted that there were only 4 enforcement appeals during 2019/20 and such appeals are prone to fluctuation dependent upon the types of planning breaches that have occurred and been served with an enforcement notice.

7. Financial Implications

- 7.1 None. A contingency fund is already 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.

8. Legal Implications

- 8.1 None.

9. Conclusion

- 9.1 Having regard to the significant volume of applications and appeals that are received annually by the council, the Town Planning service has met or exceeded the necessary DLUC performance indicators, and these demonstrate that the department is providing a good service in terms of both the speed and quality of planning outcomes it delivers to applicants, 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:

1. Allowed Appeal Decisions Summary for 2021/22.

Background Papers:

None.

Appendix 1 – Allowed Appeal Decisions Summary for 2021/22

A summary of appeals that were allowed during 2021/22 is set out below.

April 2021
<p>Site: 23 Grafton Street London W1S 4EY</p> <p>Description: Demolition of rear single storey basement extension, rear ground floor toilet block and rear external fire escape stairs at ground and first floor levels including those with 22 Grafton Street and erection of new rear two storey extension at basement and ground floor levels. Use of the existing basement and the new extension at basement and ground floor as retail (Class A1). Replacement of front railings and plant installations located under the proposed walk on grille at the rear of the extension.</p> <p>Reason to Allow: The Inspector noted that there would be harm to the special interest of the listed building but that the proposal's positive impact to the front of the building, through sympathetic replacement of railings, as well as the containment of the negative impact to the relatively secluded rear of the building, Overall the Inspector considered that the adverse impacts do not outweigh the significant benefits the scheme.</p>
<p>Site: Rossmore Court, Park Road, London, NW1 6XX</p> <p>Description: Variation of condition 1 of planning permission dated 10 October 2019 (RN 19/04696/FULL) for use of the ground floor and basement for self-storage purposes (Class B8). NAMELY, alteration comprises the replacement of the entrance/exit gates on the southern and eastern elevations, at ground floor, with roller shutter security entrance doors.</p> <p>Reason to Allow: The Inspector considered that the exit forms neither a substantial or prominent feature of this frontage which is dominated by service type activities at ground floor level. that although the roller shutter security doors would be solid, because they include a substantial proportion of transparent panels and there is a clear prospect that the lights in the building would be kept on permanently, these doors are unlikely to appear as solid fortified frontages. As such, the proposed development would not harm the character and appearance of the building or the surrounding area.</p>
May 2021
<p>Site: 28 Caroline Place London W2 4AN</p> <p>Description: Erection of a single storey extension at ground floor level to Caroline Place Mews frontage and courtyard infill side elevation extension</p> <p>Reason to Allow: The inspector considered that as a result of its overall design, scale, height and form along with the use of similar materials and its cohesive parapet roof, the extension would not appear overly prominent, visually intrusive or uncharacteristic within the areas mixed street scene. It would not harm the character and appearance of the host property and therefore complies with Policies 38, 39 and 40 of the City Plan.</p>
<p>Site: Townsend House Greycoat Place London SW1P 1BL</p> <p>Description: Demolition of the existing building and redevelopment to provide a building of basement, ground and six upper floors with plant enclosure at roof level, comprising retail (A1), offices (B1) and five residential (Class C3) units and associated works</p> <p>Reason to Allow: The inspector therefore concluded that the appeal development would not have a harmful effect on the character and appearance of the area.</p>
<p>Site: 261 Peach Road London W10 4DX</p> <p>Description: Installation of replacement windows and door to front elevation</p> <p>Reason to Allow: The Inspector did not agree with the Council's position that the original front door dating to the 1880s should be retained, nor that its replacement was harmful, concluding the work would preserve the character of the Queen's Park Conservation Area.</p>
June 2021
<p>Site: 20-21 Leicester Square London WC2H 7LE</p> <p>Description: Display of two internally illuminated fascia signs each measuring 0.65m x 11.15mm and 0.85m x 11.15mm at first and ground floor level</p> <p>Reason to Allow: The inspector considered given their setting within a vibrant commercial area, the signs would not be visually obtrusive and would complement rather than dominate or detract from the appearance of the host building. The proposed advertisements would be in scale and in keeping with the host building and the CA.</p>
<p>Site: Sardinia House 51-52 Lincoln's Inn Fields London WC2A</p>

Description: Installation of a telecommunication base station consisting of the installation of 6 antennas, together with the addition of 2 dishes and 5 cabinets on new steel grill and ancillary development.

Reason to Allow: The inspector noted that the proposal would result in significant public benefits in maintaining and improving vital communications infrastructure at an important location. The appellant has demonstrated... that it would replace lost network capacity from a nearby site Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. The less than substantial harm that I have identified would therefore be outweighed by the public benefits, and the proposal complies with paragraph 196 of the Framework and Policy 19 of the CP.

July 2021

Site: 42 Albemarle Street London W1S 4JH

Description: Display of one internally illuminated menu board measuring 0.6m x 0.5m

Reason to Allow: The Inspector considered that the proposed menu board is complementary to the style and appearance of these particular simply styled railings, and that its scale, appearance, position, luminance, and design are sensitive, relates well to, and complements the shopfront, and is in keeping with the character, appearance, amenity, and significance of the overall host building.

Site: 83 Bishop's Bridge Road London W2 6BG

Description: Replacement shopfront.

Reason to Allow: The appeal inspector considered that the change had caused no harm to the building or conservation area, and allowed the appeal.

Site: 24 Charing Cross Road London WC2H 0HX

Description: Display of three internally illuminated fascia signs measuring 600mm x 1750mm and two internally illuminated hanging signs measuring 500mm x 1000mm

Reason to Allow: The inspector concluded that the signage would be sensitively designed, in keeping with and complementary to the character, appearance and proportions of the host building, and having regard to the appearance of nearby commercial units, buildings and the theatre. Overall, the signage would preserve the character, appearance, and significance of the CGCA and not be harmful to the amenity of the area.

August 2021

Site: 30 Buckingham Gate London SW1E 6NN

Description: Installation of 6 antenna apertures across 3 steel support structures (approx. 35m AGL to top), 3 dishes (600mm diameter) across 3 support poles, 8 cabinets onto roof-top behind proposed screening, 1 cabinet at ground-level, ancillary works.

Reason to Allow: The inspector was satisfied that no other alternative sites could be found, concluding that the benefits of continued and potentially enhanced communications outweigh the limited harm to the character and appearance of the Area and provide clear and convincing justification for that harm in this case.

Site: 107 Harley Street London W1G 6AL

Description: Creation of a new opening at the rear of the ground floor to provide a fire escape onto the roof terrace of 103/105 Harley Street.

Reason to Allow: The inspector found that the fire door to be a plain and honest insertion which meets the regulatory standards of its use. He considered that the colour and design of the door do not detract from internal view along the corridor in which it is located. The inspector was not persuaded that there is a need for a fire escape door to take design cues from the materials or architectural context within which it is located.

September 2021

Site: 182-184 Edgware Road London W2 2DS

Description: Use of the basement and ground floor as an adult gaming centre (sui generis).

Reason to Allow: The inspector decided that due to the existing use as a Betting Office, and given the granting of the license, that the proposed Casino would not cause undue harm to the surrounding environment or shopping district.

Site: 31 Linhope Street London NW1 6HU

Description: Erection of single storey rear extension at ground floor, installation of new rooflights to ground floor rear extension and second floor butterfly roof and installation of new window to rear elevation.

Reason to Allow: The Inspector considered the rear elevations not to positively contribute to the CA given the wide variety of modifications and lack of public intervisibility and therefore considered the proposed rear extension acceptable in design and relationship with the building and context.

Site: 68 Queensway London W2 3RL

Description: Enforcement Appeal - Display of advertisements on railings

Reason to Allow: The Inspector concluded that Queensway is visually cluttered at ground floor level and there is a lack of cohesion in the design of property frontages and advertisements. In this context, the Inspector concluded the advertisements were not causing substantial harm to the amenity of the local area. The Inspector also found that the special interest of the conservation area was not diminished by the advertisements.

Site: Flat 22 29 Westbourne Terrace London W2 3UN

Description: Erection of single storey full width rear extension, installation of new and replacement windows and rooflights. Internal alterations including the addition and removal of partitions and replacement of floor coverings

Reason to Allow: The Inspector was satisfied that the proposal would retain a sufficient amount of space and division to allow the historic pattern of the development and the relationship between the two buildings to be sensed and understood. The extension was acceptable in design terms with a neutral effect on its setting and no harm to the CA.

October 2021

Site: 53 Lauderdale Mansions Lauderdale Road London W9 1LX

Description: Installation of glass balustrade to south and west inner face of roof terrace wall

Reason to Allow: The Inspector considered the balustrades are subservient to the host building, and having regard to the existing variety at roof level, does not consider that their height is conspicuous, nor that it harmfully erodes the uniformity of the terrace group'. As such, 'the character and the appearance of the host building and of the Maida Vale Conservation Area are not harmed by the proposal, and that the development accords with Policies 38, 39 and 40 of the City Plan 2019-2040.

Site: 43 William Mews London SW1X 9HQ

Description: Notification for prior approval under Part 1 Class AA of the General Permitted Development Order (2015) (as amended) for erection of a roof extension of the property by 3.5 metres with a matching roof pitch and materials to accommodate additional living space for the existing dwellinghouse.

Reason to Allow: The Inspector concluded the proposal would not result in unacceptable harm to the external appearance of the dwellinghouse when viewed in isolation as the GPDO suggests.

Site: 48 Wilton Crescent London SW1X 8RX

Description: Erection of a rear closet wing and lift within the closet wing.

Reason to Allow: The Inspector does not consider that the projection of the extension or their height would be significantly harmful to the living conditions of the occupiers of the flat at No.49 despite the tight urban grain found at this location and the Inspector found that a degree of openness exists to the rear aspect of No. 49. The Inspector considers that the development would improve the residential environment overall.

November 2021

Site: Basement And Ground Floor 74 Queensway London W2

Description: Use of basement and ground floor as an amusement centre/adult gaming centre (sui generis).

Reason to Allow: As the proposal would change an existing non-retail use into another non-retail use, the Inspector was satisfied that there would be no change in the proportion of sui generis uses within the street frontage and moreover, there were no other amusement centres or betting shops in the stretch of frontage containing the appeal site and that the proposal would not detract from the character, function or vitality and viability of the Queensway/Westbourne Grove Major Centre. The Inspector also noted that a conditional licence had recently been granted for the operation of the premises and the Metropolitan Police had contributed to its terms. Furthermore that the comprehensive licence conditions would directly influence the operation of the business and would address concerns about the safety and wellbeing of the local community.

Site: 68 - 70 Wardour Street London W1F 0TB

Description: Removal of Condition 6 for, 'Flexible use of the ground and basement floors for either retail (Class A1) or restaurant use (Class A3)'; Namely, to allow the operator sell hot food take away and operate a delivery service as an ancillary part of the restaurant use

Reason to Allow: The Inspector considered that the immediate area experiences elevated levels of noise and disturbance, vehicles and footfall in the evenings and later at night, as well as during the day. The permission already restricts the hours of opening to protect the environment of residents adjacent to the building after certain hours. She also believed a restaurant use, to comply with the parameters of Class E sale of food and drink for consumption (mostly) on the premises, would place a limitation on the delivery of food. She acknowledged the limited spare capacity in the cycle stands and parking bays within close proximity to the appeal premises, but had no evidence

before her that a delivery service would occupy more cycle and parking spaces than customers collecting their food from a takeaway service. Given the existing other restaurants and cafes nearby, she saw no site-specific reason to restrict a delivery service. Overall, she concluded that condition 6 is not necessary to protect the living conditions of neighbouring properties or to support sustainable forms of transport and there would be no conflict with relevant policies.

December 2021

Site: 52-73 Wilton Road

Description: Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedrooms flat) with balconies (use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.

Reason to Allow: The Inspector considered that the proposal would attain an exemplary standard of design that would optimise the use of the site and bring an uplift to the character and appearance of the area, while causing no harm to the setting or the significance of designated heritage assets.

Site: 90 Hamilton Terrace, London, NW8 9UL

Description: Details of hard and soft landscaping scheme

Reason to Allow: The Inspector considered that the submitted details provide adequate information of the proposed hard and soft landscaping scheme. The scheme would preserve the character and appearance of the conservation area and protect and enhance the city's green infrastructure and as such it accords with City Plan policy 38 which requires all development to positively contribute to Westminster's townscape and streetscape, having regard to, among other matters, the character and appearance of the existing area, adjacent buildings and heritage assets, the form, character and ecological value of gardens and the preservation and enhancement of the surrounding tree population. The scheme also accords with City Plan policy 34 which seeks, among other things, to protect and enhance the city's green infrastructure.

Site: 22 Balvaire Place London SW1V 3SN

Description: Construction of a single storey side extension at ground floor level, two-storey rear extension at first and second floor level, roof extension at main roof level to create a new third floor level and new private outdoor terrace, and opening up of blind window

Reason to Allow: The appeal site is part of a 1980s development, in a neighbourhood with older residential blocks and terraces. It's end-of-terrace position and substantial curved boundary wall, together with its complex massing and roof form, including a pitch-roofed stair tower, flat roof elements and the adjoining archway, form an individual architectural presence within the street scene. Established trees and the communal garden area on the housing estate to the rear draw the eye and soften the large number of buildings in the local area.

The proposed variation in roofline and the roof terrace would be absorbed into the roofscape, and the primacy of the stair tower and the archway in the townscape would be retained. The existing soft landscaping would soften the visual impact of the additional building mass and the existing boundary wall would provide some screening.

Site: Charfield Court 2 Shirland Road London W9 2JN

Description: Installation of 6 x 5m support poles (22.6m AGL) supporting 6 antennas, 4 cabinets and 1 cabinet at ground level and ancillary works.

Reason to allow: Inspector concluded that whilst visible, the telecommunications equipment would not be harmful to the setting of the neighbouring Maida Vale Conservation Area and even if harm had been found, the Inspector concluded that the less than substantial harm would have been outweighed by the benefits of the proposal in terms of enhanced 5G coverage.

Site: First to Third Floor 64-65 Long Acre London WC2E 9SX

Description: Demolition of existing third floor structure and erection of two-storey infill extension to rear of 64 Long Acre; installation of new and replacement windows throughout the site; installation of glass roof over the internal lightwell.

Reason to allow: The inspector considered the main issue to be the impact of the proposed extension, rear windows and glazed light-well on the character and appearance of the building and the Covent Garden conservation area. The window at third floor level would conflict with policy 40 but are not publicly visible. The extension would not be of a subordinate height, but in the context of the much-altered roofscapes would provide a degree of consolidation. The proposals would cause a minor conflict with Policy 40 of the CP in relation to replacement third-floor original rear windows

and, to a lesser extent, the first and second floor windows of the historic extension. However, the overall harm would be minimal and would have a neutral effect on the character and appearance of the CA. Moreover, the harm would be outweighed by the undisputed beneficial effects of reinstating timber sliding sash windows to the prominent principal elevation of No65. These would enhance the appearance of the building and the character and appearance of the CA. The inspector conclude that the benefits of the scheme would significantly and demonstrably outweigh any disbenefits.

Site: 17 Leicester Square London WC2H 7LE

Description: Display of an internally illuminated digital screen measuring 13.4m X 3.6m

Reason to Allow: The inspector considered that due to the significant number of existing high level advertisements in this area, including large digital screens, the height and positioning of the proposals would not appear out of keeping. Similarly, while the proposed displays would be of a significant size, they would not appear overly dominant when viewed in the wider context of the very large digital displays at the nearby cinemas and the three vertically-aligned poster boxes between Bear Street and Cranbourn Street. The proposals would be in keeping with the character of advertisements in this location, as well as the commercial appearance of this area. Therefore, there would be no harm to the local visual amenity.

Site: 19 Leicester Square London WC2H 7LE

Description: Display of an LED video screen on the Leicester Square frontage at first floor to roof levels measuring 13.2m x 3.64m.

Reason to Allow: The new screen would be seen within the wider context of existing high-level signage, including high level screens at the Odeon cinema and the high-level signs at the two restaurants between the cinema and the appeal site.

The screen would not cover or encroach upon any significant architectural feature on the host building and its size would respond to the tall, vertical profiles of the façade and be seen within the wider context of vertical building frontages, including the Odeon tower.

The existing screens, in particular the one at the Vue cinema, display content unrelated to the use of their host buildings and, therefore, the new screen, which would also display content unrelated to the use of its host building, would contribute to the general commercial character of the area.

Site 164 - 166 Vauxhall Bridge Road London SW1V 2RA

Description: Erection of a roof extension and rear extension from basement to third floor level in connection with the use of the first to fourth floors as serviced apartments (Class C1).

Reason to Allow: The Inspector found that the proposed use within the CAZ would strike a balance with the existing mix of uses. Although the area has some residential properties within it, and some with common boundaries with the site, this is the case in many commercial areas of the city. The Inspector stated that there is little before me to identify how the proposal would cause harm to residential occupiers or adversely impact the balance between visitor, business and local community needs.

The site benefits from an extant permission to convert the building to residential flats. The Inspector stated that the Council had conceded the loss of commercial floorspace and it would not be appropriate to go back on that decision. Although the office use had not been supplanted, the Inspector found that given the recent planning history for the site and period of vacancy, the prospect of reinstatement of an E-class uses seems improbable on the basis of the evidence before me. Given the particular circumstances of the case the Inspector concluded that there would be no conflict with Policy 13 of the City Plan regarding the protection of commercial office floorspace in the city.

January 2022

Site: Accurist House 44 Baker Street London W1M 1DH

Description: Removal of 4 antennas, 1 equipment cabinet and other existing apparatus; installation of 4No. upgraded antennas on steel support structure (approximately 33.70m AGL to top), 5No. equipment cabinets, ancillary works thereto.

Reason to Allow: The Inspector commented that the appeal site is a sizeable and unremarkable building of minimal historic and architectural merit. It is outside of but adjacent to the Portman Estate Conservation Area (CA). The Inspector agreed with the Council that it detracts from the setting of the CA and makes a negative contribution to the CA's significance. He also commented that the building already compromises the setting of the listed Chiltern Firehouse, in Chiltern Street, referred to in the Council's reason for refusal.

The Inspector noted that the proposed antennas and steel support structure would be an overtly modern and aesthetically rudimentary addition to Accurist House. Nevertheless, given the building's negligible merit and the presence of existing service and telecommunications equipment on its roof and rear elevation, some of which would be removed as part of the proposal, the replacement installation would not have a harmful effect on the appearance of Accurist House

itself. Furthermore, the proposed antennas' fairly slender form and white/light grey finish would assist their assimilation into the backdrop of the sky when viewed from below. Given the replacement installation's positioning at the rear of the building, it would not be noticeable in views from the principal public route of Baker Street, nor in views from the southern end of Chiltern Street. In other views the equipment would be seen against a roofscape which is already punctuated by extensive service paraphernalia as well as against a wider redeveloped dense urban backdrop. As such, it would not constitute an alien feature on this particular building within the locale. The Inspector did accept that the introduction of such an explicitly modern and functional element to the roofscape of Accurist House would compound the building's negative effects and harm on the character and appearance of the area and detract from the setting of nearby designated heritage assets. However, he also considered that the harm would be modest and needed to be weighed against the public benefits, namely the high quality and reliable communications infrastructure. On this basis, the proposal would deliver economic and social objectives as outlined in the National Planning Policy Framework (NPPF) to a wide range of organisations and individuals, which sufficiently outweighed the harm.

March 2022

Site: 14 Kildare Terrace London W2 5LX

Description: Erection of a mansard roof extension at third floor level to provide additional floorspace to a single family dwelling house.

Reason to Allow: The Inspector considered that the roofline on this part of Kildare Terrace was not unbroken, and that several examples of mansard roofs nearby suggested that the principle could be considered acceptable. They considered that the mansard would be set back from the building line, which would limit visibility from the street, and that the butterfly shape of the roof would be retained to the rear parapet. As such, they considered the proposals would not be incongruous with the varied roofscape and would preserve the character and appearance of the conservation area.

Site: 112 Naylor House 59 Bruckner Street London W10 4NU

Description: Installation of three 3m support poles (30.10m above ground level) supporting four antennas, one 5.5m support pole (32.60m AGL) supporting two antennas and two 300mm dishes, installation of three cabinets and ancillary works thereto.

Reason to Allow: The Inspector considered that given the height at which the apparatus would be viewed, it would not be an intrusive or harmful feature on the building, or to the surrounding area. It would be viewed within the context of a large, imposing building that is not free from existing external paraphernalia. The scheme also proposes ancillary development, such as railings and equipment cabinets and he considered these would be minor visual elements, which to a large degree would be screened. Despite the location near to the Queen's Park Estate Conservation Area the distance and the difference in scale of the appeal building and those in the CA provide a level of distinction between the two locations. As such the scheme would not result in any harmful visual effect, and no harm to the conservation area.

Site: 23 Slingsby Place, London, WC2E 9AB

Description: Display of one internally illuminated fascia sign measuring 0.6m x 2.87m, two externally illuminated projecting signs measuring 0.5m x 0.5m, and one freestanding external menu board measuring 0.70m x 0.58m.

Reason to Allow: The proposed advertisements do not harm the visual amenity of the area and it preserves the character and appearance of the CA. Although not decisive, it accords with Policies 38, 39, 40 and 43 of the City of Westminster City Plan 2019-2040 (adopted 2021), which together aim to ensure signs and advertisements are sensitively designed in terms of their size, location and degree of illumination, have regard to the character and appearance of the existing area and townscape, including preserving the significance of conservation areas.