



Appeal Decision

Site visit made on 15 October 2013

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2013

Appeal Ref: APP/X5990/E/13/2196369 Starbucks, 171 Piccadilly, London, W1J 9EJ.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Starbucks Coffee Company against the decision of the Council of the City of Westminster.
 - The application Ref: 13/00984/LBC, dated 1 February 2013, sought to vary condition No 3 of listed building consent Ref 12/02239/LBC granted on 9 May 2012.
 - The works proposed are *alterations to shop front colour*.
 - The condition in dispute is No 3 which states that: *you must apply to us for approval of detailed drawings showing the following alteration to the scheme. No green paint to any stonework. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.*
 - The reason for the condition is: *To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 and DES1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.*
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Decisions

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether condition 3, in respect of painting the stonework green, is necessary to protect the special architectural or historic interest of the listed building and to preserve or enhance the character or appearance of the St James's Conservation Area.

Reasons

3. The premises the subject of this appeal, 171 Piccadilly, is one of a run of retail units located on the ground floor of an early 20c building known as Dudley House, 166-173 Piccadilly, which is listed grade II and located in the St James's Conservation Area. Dudley House, faced in Portland stone, comprises some six storeys and a mansard.
 4. I consider the special architectural and historic interest of this building to be its scale, proportions and the uniform appearance of the shopfront openings which
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have allowed the integration of later individual shopfront designs without detracting from the original composition.

5. The appeal premises is one of a number of shops at street level. Other than where separated by prominent stone porticos, giving access to the floors above, the individual shopfronts are each framed with separating stone pilasters with continuous stone fascia and dentil cornice over. The stone fascias are largely covered by contemporary fascia signage and the original stone pilasters have been painted. With the exception of two shopfronts (171 and 173) this has generally been carried out in light/pastel shades which, save for the slightly glossy finish, more generally reflect natural stone colours.
6. A retrospective application for listed building consent to retain the green paint finish to the inset shopfront of 171 was granted consent by the Council in May 2012 (Ref:12/022239/LBC) subject to condition number 3 that, amongst other things, required no green paint to the stone work.
7. The green paint used is of a particularly vibrant hue and, due to its extensive use on the shopfront as well as the surrounding stone dressing, is particularly visually jarring and obtrusive, such that it renders the building an unwelcome intrusion into the conservation area at this point.
8. The painting of the stone in the same colour as the other elements that constitute the current shopfront makes it particularly difficult to distinguish between the various architectural components of the façade, such that the later shopfront and framing merge. To my mind, this seriously detracts from the architectural integrity of the appeal premises and Dudley House as a whole and thereby its special architectural and historic interest.
9. I accept that the neighbouring property, Richoux Restaurant number 173, albeit being detached by the stone entrance portico, has matching red painted shopfront and stone surround. I consider that this is equally damaging to the listed building and the wider conservation area. However, whatever the circumstances surrounding the decoration of that property it is no reason, having regard to the harm that I have identified to the heritage assets here, to allow the painting of the stone work at 171 in an even more vibrant colour.
10. I agree with the Council that the removal of the paint to the stone work would significantly enhance the condition of the building and would, in my judgement, give the current coffee shop an improved visual presence in the street scene.
11. In summary I conclude that condition 3 is necessary to protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area in accordance with the underlying aims of the National Planning Policy Framework, Policies CS24 and CS27 of the City of Westminster Local Development Framework-*Core Strategy* Adopted in January 2011 (as amended by the National Planning Policy Framework Revision submitted to the Secretary of State on 25 January 2013) and saved Policies DES1, DES10 (A) and paras 10.108 to 10.146 of the City of Westminster Unitary Development Plan Adopted in January 2007.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Philip Willmer

INSPECTOR

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