

# New Appeal Decision Further Details Display – Subscriber Version

## Appeal Decision

DCS Ref: 100-039-442

Inquiry: 10/10/2005

Inspector: J GRAY

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Address: LAND AT EDGWARE ROAD, CHURCH STREET, PADDINGTON GREEN AND NEWCASTLE PLACE,

Appellant: WEST END GREEN PROPERTIES LTD

Authority: WESTMINSTER

Summary of Decision: PARTLY ALLOWED, PARTLY DISMISSED

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### Description:

A) 307 FLATS, SUPERMARKET, 156 HOLIDAY FLATS OR B) 326 FLATS, SUPERMARKET, 156 HOLIDAY FLATS REDEVELOPMENT OF BUILDINGS IN CONSERVATION AREA & DISTRICT CENTRE OF INNER CITY B) HEIGHT WOULD HARM SETTING OF LISTED BUILDINGS & CHARACTER OR APPEARANCE OF CONSERVATION AREA-BENEFITS OF REGENERATION & AFFORDABLE HOUSING PROVISION OUTWEIGH SOME HARM TO CHARACTER OR APPEARANCE OF CONSERVATION AREA-NO HARM DUE TO DEMOLITION CONSERVATION AREA BLDGS.

### Abstract:

The deputy prime minister granted conservation area consent and planning permission to enable the erection of a 22 storey building. However an alternative scheme involving the erection of a 26 storey building was rejected on the grounds that it would appear incongruous and out of character with the area. Both schemes involved the provision of residential units and holiday lets together with a supermarket of approximately 4,970m<sup>2</sup>. The second scheme increased the number of residential units from 307 to 326 and both involved the demolition of unlisted buildings within a conservation area. The deputy prime minister agreed with one of his inspector's who concluded that in the absence of any visual or urban design need for a 26 storey building, the proposed tower should reflect the general heights of the tall buildings to the north of the site. In his opinion the introduction of a 26 storey building would harm the streetscape and be contrary to adopted policies. However he decided that the smaller building when taken in combination with the overall scheme would bring significant regeneration benefits to the area. It would enhance the vitality and viability of a nearby shopping centre and in addition would secure much needed affordable housing.

**Court Case Information:** Appeal subject to later court action  
**Court Case Name** Sainsburys Supermarkets Ltd v SOS  
**High Court Date** 11/01/2007  
**High Court Reference** CO/9533/2005  
**High Court Case Description** Court quashed SOS's decision to grant permission for Option A to West End Green  
**Court of Appeal Date** 02-11-2007  
**Court of Appeal Reference** C1/2007/0169  
**Court of Appeal Description** No legal flaw in SOS decision

**COMPASS Index Terms**

**Issue Codes**

- 30 Conservation areas
- 51 Visual relationship to other development
- 55 Character or setting of listed/old building
- 97 Affordable Housing
- 98 Aid or hindrance to area social/environmental improvement or local employment requirements

**Development Codes**

- 000 Food stores/shops - Large
- 004 Small supermarkets
- 509 New Build Flats or retirement housing – OLD CODE NO LONGER USED

**Appeal Codes**

- 00 Section 78 planning appeals against refusal of planning permission or non-determination
- 09 Conservation area consent

**Unit Codes**

- 2 Flats