
Appeal Decision

Site visit made on 12 August 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 05 October 2016

Appeal Ref: APP/X5990/W/16/3144622

103 Eastbourne Mews, London W2 6LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Caroline Beecham against the decision of City of Westminster Council.
 - The application Ref 15/02750/FULL, dated 27 March 2015, was refused by notice dated 8 October 2015.
 - The development proposed is extension and remodelling of mews property, including demolition of existing property, retention of front façade and party walls, and reconstruction with new storey at second floor level.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Caroline Beecham against City of Westminster Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the loss of an off-street parking space, and the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to light spill, and noise and disturbance.

Reasons

Loss of parking space

4. The appeal site at 103 Eastbourne Mews is located within a predominantly residential area. The development would result in the loss of off-road parking provision in the form of the existing garage at the property.
 5. The Council has submitted evidence to show that, despite the availability of good transport links, car ownership in the area remains relatively high for an urban location at approximately 37%. The Council also demonstrates that demand for on-street parking is high, and that the increases in housing stock have created additional parking stress. The appellant does not dispute this evidence, and so I have no reason to do other than accept it.
 6. Notwithstanding the dimensions shown on the plans, the appellant states that the actual width of the garage opening measures 1.87m, and that the widest internal dimension is 2.28m. They conclude that the garage is too small for
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practical use, disputing the Council's stance that smaller cars, for example, Corsas, Fiestas and Polos, with a body width with folded wing mirrors of 1.7m, should be able to use the garage. However, there are even smaller modern cars on the market, designed specifically for urban use, which would be able to utilise this space, despite its limited dimensions. I note concerns that the internal door to the dwelling opens into the garage space, close to the external door, and that the frame of the existing roller shutter restricts the size of the opening. However, all of these matters could be addressed within the context of the proposed remodelling of the dwelling, the principle of which is considered by the Council to be acceptable. I accept that other properties in the vicinity may have better garaging accommodation, but I have considered the appeal proposal on its own merits.

7. Policy TRANS 23 of the City of Westminster Unitary Development Plan (UDP, January 2007) states that the permanent loss of any off-street residential car parking space will not be permitted other than in exceptional circumstances. The appellant contends that the proposal would improve the dwelling, and that the redesign of the frontage would better reflect the original appearance of the building, enhancing the Bayswater Conservation Area. However, these modest benefits would not constitute exceptional circumstances, and would not outweigh the harm I have identified. On this issue, I therefore find that the loss of the existing off-street parking space would add unacceptably to the parking pressure in the area. I thus conclude that the proposal would conflict with UDP Policy TRANS 23.
8. The appellant argues that the existing garage could be incorporated into the living space at No 103 without the need for planning permission. The Council disputes this, stating that a Certificate of Lawfulness would be required before this position could be accepted. In the absence of such a certificate or any further evidence that would support the appellant's case, I am unable to reach a conclusion on this point. Moreover, the appellant has made the present application to the Council on the grounds that the overall proposal, including the loss of the existing garage space, does require planning permission, and I have considered the appeal on that basis.
9. I note that section (D) of UDP Policy TRANS 23 makes provision for residential development that does not offer on-site parking facilities. However, this policy applies to new development, and so is not directly relevant to the case before me, which comprises the remodelling of an existing dwelling.

Living conditions

10. The Council and a neighbouring resident have voiced concern over the effect of the proposal on the living conditions of occupants of the properties at 103 and 105 Westbourne Terrace, which are located immediately to the rear of the appeal site.
11. The existing rear elevation at the appeal site incorporates high level glazed 'dormers' which comprise vertical windows, vertical side sections and flat top sections. On my site visit, I noted that the 'dormers' are obscure-glazed and the windows can be opened, either on central pivots or by means of side hung casement openings. These structures would be replaced by patent glazing set at an angle, providing the back rooms with high level lighting.

12. According to the drawings, six of the ten new windows would be able to be opened. This is broadly comparable to the number of windows that can currently be opened, taking into account the slight differences in the dimensions of the individual lights. The new patent glazing would be set at a lower level behind the rebuilt parapet wall, and its shallow angled position would make it less visually intrusive than the existing 'dormers'.
13. It appears to me that the proposed arrangement of high level windows would not result in a substantially greater overall area of glazing, or significantly increase the number of windows that could be opened. That being the case, I find that the potential levels of light spill, noise or disturbance experienced by neighbouring occupants at 103 and 105 Westbourne Terrace would not be so materially increased as to warrant the withholding of planning permission.
14. I therefore conclude that the proposal would comply with Policy S29 of Westminster's City Plan: Strategic Policies (November 2013), which seeks to resist proposals that would result in an unacceptable material loss of residential amenity.

Other Matters

15. The appeal site is located in Bayswater Conservation Area (CA), and so I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. The Council raises no concerns in this regard, and I agree with that position. I therefore conclude that the duty in respect of the CA is satisfied.
16. I have had regard to the representation in support of the proposal, but this has not led me to a different overall conclusion.

Conclusion

17. Despite the fact that the development would not harm the living conditions of neighbours, the loss of an off-street parking space would be unacceptably harmful to parking provision in the area. Taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR