



Appeal Decision

Site visit made on 2 April 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/X5990/W/18/3217885
67 Wimpole Street, London, W1G 8AP

- 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 Mrs Anastasia Khodorkovskaya against the decision Westminster City Council.
 - The application Ref 18/03682/FULL, dated 1 May 2018, was refused by notice dated 6 August 2018.
 - The development proposed is change of use of ground floor to provide B1 space plus associated internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for use of the basement for office (Class B1) purposes at 67 Wimpole Street, London, W1G 8AP, in accordance with the terms of the application, Ref 18/03682/FULL, dated 1 May 2018, the amended plans and the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans: OS-000, E-002, P-003, P-004, P-002 Rev B.
 3. Details of the proposed cycle storage shall be submitted to the Council and approved in writing. The development shall be carried out in accordance with the approved details prior to first use of the development hereby permitted and shall thereafter be retained and used for no other purpose.
 4. Details of the waste and recycling storage on the site shall be submitted to the Council and approved in writing. The development shall be carried out in accordance with the approved details prior to first use of the development hereby permitted and shall thereafter be retained and used for no other purpose.

Procedural Matters

2. The description of development in the banner heading above has been taken from the application form. The appeal form and the decision notice set out a

different description, which is contained in my decision paragraph. This more accurately describes the proposal. The Council made its decision on this basis and so have I.

3. The Grade II listed appeal property is an eighteenth century town house whose significance is architectural and historical. As part of the proposed change of use internal works are proposed in the basement. No external alterations to the building though are proposed. The Council has no concerns regarding the effect of the development on the preservation of the building or its effect on any features of special architectural or historic interest that the building possesses. I agree with that position.

Main Issues

4. The main issues relating to this appeal are whether the development would result in a loss of residential floorspace and the mix of housing supply in the locality.

Reasons

Loss of residential floorspace and the mix of housing supply in the locality

5. The appeal site comprises a four-storey terraced family sized dwelling with basement. The property is a Grade II Listed Building and sits within the Harley Street Conservation Area and within the Central Activities Zone (CAZ). The existing basement has limited natural light and is used for ancillary residential purposes, including an entertainment room, gym, hamam, service kitchen and utility.
6. The proposals are to convert the existing basement to an office space. The space would be used as an office for the family business and to host meetings and invite business partners to the office. The existing light well is proposed to provide primary access from Wimpole Street. A secondary access via the main house would be retained and allow for easy access for the household to use the office without the need to leave the building.
7. The parties agree that the proposals would result in the loss of 160 square metres of residential floorspace and the retained residential unit would total 740 square meters, which far exceeds the minimum space standards requirement. The Council claim the proposals would lead to a loss of residential floorspace that would impact upon the housing land supply within the locality.
8. However, the large family dwelling would remain and only the basement would be lost to B1 office space. The basement has limited natural light and does not lend itself to habitable residential floorspace. As such it can only be used for ancillary residential purposes.
9. The Westminster City Plan encourages B1 Office space within the CAZ, particularly due to losses in office floorspace since 2010/2011. The Harley Street Conservation Area is recognised as an area for medical excellence with numerous consultation rooms and related professional support services complimented by residential land uses. The appellant does not explain the nature of their business, nonetheless, office uses are not atypical of this area.

10. The London Plan Policy 4.3 seeks to support mixed-use development within the CAZ and the National Planning Policy Framework (the Framework) seeks to support sustainable economic development and allows for new and flexible working practices (such as live-work accommodation).
11. The majority of the large existing family dwelling house would remain in C3 residential use. The space that would be lost is ancillary to the main residential living space; this area is dark and not suitable to accommodate habitable rooms. The proposal would not therefore result in a detrimental loss of residential accommodation or be harmful to the supply of housing mix in the locality. I therefore conclude that whilst the proposal would result in the loss of residential floorspace contrary to policy S14 of the Westminster City Plan, the material considerations in this case indicate that permission should be granted.

Other Matters

12. The Council have cited two appeal decision to support their case. However, these both pre-date the National Planning Policy Framework, and the current development plan. Furthermore, neither of those proposals were to convert basement accommodation, and so it is unclear whether the same considerations applied. I therefore attach limited weight to these decisions in the determination of this appeal.

Conditions

13. I have had regard to the advice in the Planning Practice Guidance when considered the conditions suggested by the Council and amended these accordingly. I have included the standard time limit condition and a condition that requires the development to accord with the approved plans in the interest of clarity and proper planning.
14. The condition relating to cycle storage provision is necessary to provide cycle parking spaces for people using the development in accordance with The London Plan 2016.
15. The condition relating to waste and recycling storage is necessary to protect the environment and provide suitable storage for waste and materials for recycling in accordance with the Development Plan.

Conclusions

16. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR