

---

# Appeal Decision

Site visit made on 10 May 2019

**by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> August 2019**

---

**Appeal Ref: APP/X5990/W/19/3222653**  
**77 Wilton Road, LONDON, SW1V 1DE**

- 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 Mr L Hassan against the decision of City of Westminster Council.
  - The application Ref 18/10029/FULL, dated 23 November 2018, was refused by notice dated 24 January 2019.
  - The development proposed is the change of use of a maisonette apartment to additional Class A3 space and ancillary storage.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the local housing supply.

## Reasons

3. The proposed conversion of the maisonette above the existing restaurant would result in the loss of one residential unit. The Council's decision refers to Policy S14 of the Westminster City Plan 2016 (WCP) which identifies residential use as a priority and seeks to protect and retain existing units.
4. The appellant's agent offers several points in support of the loss of the residential unit, commenting that the existing dwelling is difficult to let and has therefore been vacant for some time. However, the Council confirms the property was occupied in January 2019 and I also observed it to be lived in on my site visit in May. Whilst the appellant states that occupiers of the residential unit experience odour and noise disturbance from nearby entertainment uses, the Council has no record of complaints from the property in this respect. It is not uncommon for residential units to be located above or close to such uses. Indeed, on my site visit I observed a number of other residential units in the vicinity.
5. The appellant contends that the apartment fails to comply with the standards in the Nationally Described Space Standards and a Mayors Supplementary Planning Document. However, I note that the Council state that these standards relate to new built and not existing housing stock. Moreover, I saw that the apartment is of an appropriate size and arrangement to provide

satisfactory living conditions for residents, notwithstanding that it is split over two levels. Taking all these matters into consideration, in my view, the existing unit offers satisfactory living conditions for occupiers.

6. I therefore conclude that the proposal would result in the loss of a residential unit with subsequent harm to the housing supply in the area. The proposal would therefore conflict with Policy S14 of the WCP which seeks to resist proposals which would result in a reduction in the number of residential units, amongst other things.

### **Other Matters**

7. The appeal site is located within the Pimlico Central Activity Zone (CAZ). Policy TACE 8 of the Westminster Unitary Development Plan (2007) indicates that entertainment uses will generally be permissible in this area. Whilst the principle of extending the restaurant could be acceptable in this respect, this would not outweigh the harm I have found in relation to the proposed loss of a residential unit.
8. Whilst the floorspace occupied by the existing dwelling may have previously been a commercial use, I must consider the appeal on the basis of its current lawful use the unit. Therefore, this does not alter my decision.

### **Conclusion**

9. I have found the proposal would conflict with the development plan when taken as a whole. There are no other considerations which outweigh this conflict. I therefore conclude the appeal should be dismissed.

*Rebecca McAndrew*

INSPECTOR