



Appeal Decision

Site visit made on 17 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/X5990/D/20/3246120

3 Westmoreland Place, London SW1V 4AB

- 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 Andrea Davis against the decision of City of Westminster Council.
 - The application Ref 19/07434/FULL, dated 25 September 2019, was refused by notice dated 24 January 2020.
 - The development proposed is Convert the flat roof of the existing rear return extension for use as an external amenity space, by adding an external door, strengthening the existing roof structure, adding external floor finishes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have refused the proposal for one sole reason as the proposal would harm the living conditions of the occupiers of Number 2 Westmoreland Place. However, No. 2 is not within close quarters of the appeal site and is not directly affected by the proposal. The Council confirm this is a typographical error on their part and the reason for refusal should relate to the living conditions of No 1 Westmoreland Place. I have considered the appeal based on the information before me and my own assessment of the site.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of local residents.

Reasons

4. The appeal site is located in the Pimlico area of Westminster within the Pimlico Conservation Area characterised principally by Cubitt's squares and terraces from the mid 19th century; the area's distinctive character further emphasised by its contrast with surrounding post war development. This character derives from the combination of cream stucco terraced housing, parades of small shops and lush squares, punctuated by the two ragstone Gothic revival churches, which results in a townscape of considerable historic interest. The area also enjoys a small stretch of riverside adjacent to St George's Square, giving views up and downstream from Pimlico Gardens.

5. The appeal site is the second house within the terrace of dwellings and backs onto Westmoreland Terrace where it is clearly visible within the street scene. It has an existing two storey extension to the rear with a flat roof. It is this flat roof where the appellant intends to use this space as an outdoor terrace with new access door and surrounding enclosure.
6. From my observation whilst standing upon the roof, it was not possible to directly overlook the adjacent windows of Number 1 Westmoreland Place. The closest window to the roof is obscurely glazed and it was not possible to directly overlook any other windows. I am satisfied that no direct overlooking into windows can occur from the roof.
7. However, it was possible to overlook the rear yard space of No 1 from the proposed terrace. The yard area is pleasantly designed and is clearly used by the occupiers. Overlooking of this area would harm their living conditions.
8. Despite the appellant stating that the size is only large enough to accommodate approximately two people, and is an area to relax rather than entertain, given the close relationship with the attached neighbour, there would also be an element of noise disturbance generated from the use of this space that could not be reasonably controlled by condition.
9. Therefore the proposal is contrary to Policies S29 and S32 of the Westminster City Plan 2016 in its aims to resist development that unacceptably results in a loss of residential amenity, including noise pollution, and policies ENV 6 and ENV 13 of the Unitary Development Plan 2007 in its objectives to prevent noise transmission as far as practical and to resist proposals that result in overlooking, amongst their other criteria.

Other Matters

10. Other examples of external terraces have been brought to my attention by the appellant. However a number of these are original to the host dwelling above the main entrance at Sussex Street, or given there are already terraces side by side, living conditions would not be unduly compromised. Other examples at Sussex Street and Westmoreland Place does not share precisely the same characteristics as the appeal site, and cannot be directly comparable.
11. The appellant states that a terrace would provide some outdoor space to broadly redress the effect of previous development at the site that removed outdoor amenity space. That decision was made some time ago. It is my duty to determine the appeal before me on the effect of this scheme on the living conditions of local residents.
12. I have considered the objections to the proposal, and have come to my own assessment of the proposal based on the information before me and my experience of viewing the surrounding area from the roof.
13. The appellant has raised concerns relating to the service they received from the Council. In the first instance any complaints should be referred directly to the Council and is not within my scope to comment.

Conclusion

14. Having considered all matters before me, the appeal is dismissed.

Alison Scott

INSPECTOR