



Appeal Decision

Site visit made on 19 October 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/X5990/W/20/3253052

124 Warwick Way, London SW1V 4JA

- 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 William Lao against the decision of City of Westminster Council.
 - The application Ref 20/00106/FULL, dated 8 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is a change of use from dwellinghouse (C3) to hotel (C1).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the local housing supply;
 - Whether there are any material considerations which would justify permitting a hotel development; and
 - The effect of the proposal on living conditions for neighbouring residents, with particular regard to noise disturbance.

Reasons

Housing supply

3. The appeal property is a mid-terraced property which is currently configured as a single four-bedroom dwelling. The appellant is seeking planning permission for the use of the property as a hotel, which would result in the loss of a permanent residential unit to temporary sleeping accommodation. Policy S14 of the 2016 Westminster City Plan (the WCP) states that proposals which would result in a reduction in the number of residential units will not be acceptable, and although the policy sets out exceptions the proposal does not fall into any of the three categories identified.
4. The appellant has suggested that the appeal property is not suitable for occupation as a single family dwelling for various reasons, including its limited private outdoor space and its location between similar properties which have been converted into flats (on one side) and a hotel (on the other). However, neither of these are unusual circumstances in the context of the surrounding

area, which contains a large number of similar properties, the vast majority of which appear to be in use either as flats or single dwellings. These points do not to my mind therefore provide justification for a loss of permanent housing.

5. The appellant has also pointed out that the dwelling is currently under-occupied and in need of renovation, and although none of the evidence before me suggests that this is an inaccurate assessment it does not in itself justify the proposed development. It is argued by the appellant that the likely asking price for the property would put off many purchasers, and that in the light of the presence of the large 'Ebury Bridge' housing renewal scheme a short distance away it would be 'unreasonable to expect someone to stay in a less equipped place when better housing is already made available within a walking distance'. However, this appears to me more a suggestion that the appellant's expectation of the appeal property's market value may be a little optimistic, rather than a justification for the loss of housing which would result from the proposed change of use. While I acknowledge that the proposal would be likely to represent an attractive commercial proposition for the appellant, neither of these points add weight in support of the proposal.
6. I conclude that the proposal would lead to a loss of permanent housing and an increase in temporary sleeping accommodation, which would be detrimental to the local housing supply. None of the considerations raised by the appellant justify the proposed loss of residential accommodation, and consequently the proposal conflicts with Policy S14 of the WCP and Saved Policy H2 of the 2007 Westminster Unitary Development Plan (the UDP). Together these policies seek to protect and retain existing residential uses, floorspace and land, and to prevent the loss of housing to temporary sleeping accommodation.

Hotel development

7. The appeal property is located within the Pimlico Central Activities Zone (PCAZ), which although predominantly residential in character contains areas of retail, business and other uses. There are already several hotels in the area close to the appeal site, generally interspersed among other uses including residential. The wider Pimlico area includes concentrations of hotels, including further east on Warwick Way, on St George's Drive and, in particular, on Belgrave Road.
8. Policy S23 of the WCP indicates that proposals for new hotels within Westminster will be directed to a number of specified areas elsewhere in the city, while for Pimlico it seeks to encourage the conversion of hotels to residential use in appropriate circumstances. Policy TACE2 of the UDP takes a similar approach to hotel development. Policy S10 of the WCP seeks to direct retail and other appropriate town centre uses within Pimlico to the Warwick Way and Tachbrook Street Central Activity Zone frontages. However, it is clear from Policy S23 that the development plan does not consider new hotels to be an appropriate town centre use for Pimlico, and in any case even if it did, the appeal site lies a short way outside of the CAZ.
9. The appellant has drawn my attention to other premises nearby, including the building at 118-120 Warwick Way (referred to in his statement as the Elizabeth Hotel, but now with signage identifying it as Aud Jebson Hall), where planning permission was granted for hotel use in 2013 and subsequently in 2014 for use as a student hall/hostel. I do not know the precise circumstances in which the 2013 permission for hotel use was granted. However, I note that it pre-dated

the adoption of the WCP and so, although the UDP was in place at the time it was nonetheless granted permission under a different development plan. The subsequent change of use to a hostel would not have resulted either in the creation of a new hotel or the loss of permanent residential accommodation. The clear intent of the WCP is to support new hotel development elsewhere in Westminster while reducing the concentration of non-purpose-built hotels in Pimlico. In this light, neither the presence of other hotels nearby, the student accommodation use of the former Elizabeth Hotel, nor the attractiveness of the location for a hotel in business terms (including its proximity to Victoria Station and Victoria Coach Station) add more than very limited weight in support of the current proposal.

10. I conclude that none of the material considerations advanced by the appellant justify permitting a hotel development, and the proposal would be contrary to Policies S10 and S23 of the WCP and Saved Policy TACE2 of the UDP. Together these policies seek to direct hotel developments to other more appropriate locations within Westminster, and to reduce the concentration of hotels within Pimlico while supporting appropriate commercial developments in the neighbourhood.

Noise disturbance

11. Warwick Way is close to Pimlico's main commercial area a little to the east of the appeal site, although the area immediately around No 124 appeared to me to be a relatively quiet area in the context of its central London location. The submitted drawings show that the proposed hotel would have seven bedrooms, and as a result there would be likely to be a greater level of comings and goings than would be expected for a four-bedroom family dwelling. The increased activity would also tend to continue later into the evening than would be expected from a permanent residential use, given the likelihood that on most days short-term visitors to London would go out to eat, drink or for entertainment. The activity arising from the establishment of a hotel would therefore increase the risk of harmful noise disturbance being caused to surrounding residents.
12. The appellant has drawn my attention to the presence of the student accommodation at Aud Jebsen Hall (the former Elizabeth Hotel) as a potential existing source of noise disturbance. However, there is no substantive evidence before me of any harmful noise disturbance arising from the occupiers of that building. Even if there were, given the largely residential nature of the surrounding area that would not in itself be a justification for allowing further potentially harmful uses.
13. I acknowledge that there are measures which could be taken, such as the installation of soundproofing and suitable windows, which would potentially reduce the noise which could otherwise emerge from within the building and disturb neighbouring occupiers, particularly in respect of the adjoining flats. These are matters which, had the proposal been acceptable in all other aspects, could have been addressed by the imposition of appropriate conditions. However, this would not address the potential for noise disturbance which would be likely to be caused primarily by the additional comings and goings of the hotel's guests.
14. The appellant's statement referred to mitigating and minimising noise coming from plant and machinery. No information about the operation of plant and

machinery was included in the planning application, nor was any potentially noisy equipment shown on the submitted plans. However, in the light of my conclusions on the other main issues I have not sought further information from the appellant on this matter.

15. I conclude that the proposal would have an unacceptable effect on living conditions for neighbouring occupiers arising from the potential for noise disturbance. It therefore conflicts with Policies S29 and S32 of the WCP and Saved Policies ENV6 and ENV7 of the UDP, which together seek to protect living conditions for neighbouring residents, including by ensuring that developments do not have unacceptably harmful impacts in terms of noise disturbance.
16. The Council's decision notice also referred to conflict with Saved Policies TACE2 and H2 of the UDP. However, these policies relate to proposals for new hotels and preventing the use of housing as temporary sleeping accommodation, and although I have found conflict with these policies in respect of other main issues they are not directly relevant to the matter of noise disturbance.

Other matters

17. The appeal site is within the Pimlico Conservation Area. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal would not result in any alterations to the external appearance of the building, and I note also that the Council's Appeal Statement did not identify any harm to the Conservation Area arising from the development. In these circumstances I am satisfied that the development would preserve the appearance of the Conservation Area. However, the lack of harm in this regard does not outweigh the other harm I have found, and it is not a positive factor in the scheme's favour.

Conclusion

18. For the reasons given above the appeal is dismissed.

M Cryan

Inspector