



Appeal Decision

Site visit made on 30 November 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal Ref: APP/X5990/W/19/3239989

54 Ledbury Road, London W11 2AJ

- 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 SJ Stordy against the decision of City of Westminster Council.
 - The application Ref 19/01323/FULL, dated 19 February 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as 'Planning application for the existing first floor terrace'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear terrace at 54 Ledbury Road, London W11 2AJ in accordance with the terms of the application, Ref 19/01323/FULL, dated 19 February 2019 and drawing number 208 E 01 Rev A submitted with it.

Application for costs

2. An application for costs was made by Mrs SJ Stordy against City of Westminster Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application form indicates that the development applied for had been completed, and I saw the terrace in place at my visit. I have therefore determined the appeal on the basis that the development has already occurred.
4. The Council's decision notice describes the development proposed as 'first floor rear terrace'. I consider this to provide a more succinct and accurate description of the proposal, and as it is also the description used by the appellant on the appeal form, I have used it in my formal decision above.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of 1 Wellington Close with particular regard to outlook and light.

Reasons

6. The appeal relates to a terrace of timber decking which extends between the rear of the appeal building and the side of 1 Wellington Close above an enclosed yard which is accessed through the basement level of the appeal building. The information before me indicates that it replaces a former terrace which had been on the site for a number of years, most of which also

comprised decking but with a smaller section closest to the boundary of the site with 56 Ledbury Road formed of metal grating.

7. Facing onto the yard beneath the terrace, the neighbouring dwelling at No 1 has a window to its ground floor level. This window is beneath the section of terrace which was formerly metal grating, and drawings which accompanied the planning permission granted for the conversion of No 1 to a dwelling show a lightwell above the window. However, the information before me indicates that much of the total area of the suggested lightwell would have been covered by decking prior to the appeal development. Separation between No 1 and the appeal building is also very limited, and together with the greater height of these and other close by buildings surrounding the terrace, it seems to me that this part of the site would have been in shadow for much of the day. Given its relationship with the surroundings and the above factors, I therefore consider that light levels actually reaching the window would have been very limited overall, with levels within the room behind even less.
8. In this regard, my conclusions are further supported by the appellant's Daylight Assessment. This suggests that daylight to this window would have been well below guideline levels, even with no grating to the section closest to No 56, such that there would have been a strong reliance on supplementary lighting. Indeed, I note that the Council's report recommending the grant of permission for the conversion of No 1 to a dwelling refers to adequate light being provided through solar tubes, and places no explicit reliance on the window to the side.
9. Outlook from the window would also have been significantly constrained by the very close proximity of the appeal building and the walls to either side of the yard space. I note photographs submitted by an interested party which include views from the window. However, the internal layout of No 1 provides only a very small depth of space immediately behind the window. Together with the limited separation to the appeal building, any views up and through the terrace, as well as light into the room, would have been confined to only a very small portion of the room closest to the window. They would further be effectively restricted to an occupier looking upwards, with the vast majority of outward views instead made up of the rear of the appeal building and walls to either side. Accordingly, there would have been a substantial degree of enclosure, and I find that the window would have afforded little practical outlook for occupiers of No 1.
10. I therefore consider that light to and outlook from this window prior to the appeal development would have already been severely compromised to such an extent it would have made little tangible contribution to the living conditions of the occupiers of this dwelling. While I accept that the development results in additional enclosure of the space beneath the terrace, against this baseline, I do not find that the effect on the quality of life of occupiers of No 1 of further reduction in light to or outlook from the window, would be significant.
11. Moreover, while it may previously have served a bedroom, I saw at my visit that the window to No 1 currently serves an en-suite bathroom instead. I also observed it to be frosted and was advised by a neighbouring occupier that it is non-opening. Notwithstanding my findings above, these factors further moderate the potential for adverse impacts of the development on the living conditions of occupiers of No 1.

12. For these reasons, I conclude that the proposal does not result in unacceptable harm to the living conditions of the occupiers of 1 Wellington Close by reason of loss of light or enclosure. Accordingly, I find no conflict with Policy S29 of the Westminster City Plan 2016 or Policy ENV 13 of the Unitary Development Plan 2007 which require, amongst other things, that development does not cause unacceptable loss of residential amenity including through a material loss of light or significant increase in sense of enclosure.

Other Matters

13. The appeal site is within the Westbourne Conservation Area (CA), but public views of the terrace are limited by its position to the rear of the appeal building. Given also the nature and materials of the terrace and that it replaces a previous structure, I am satisfied that the character and appearance of the CA would be preserved in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. I observed gaps between the decking boards of the terrace which would allow air to pass through, and there is no firm evidence before me that air supply to No 1 has been harmfully diminished by the development. While a previous seller of No 1 may have agreed a retention on the sale price of the property, I have no substantive information on the reasons for this. In any case, it is not a factor which alters my consideration of the planning merits of the appeal before me. I also acknowledge concerns raised by the Council and an interested party over the accuracy of the 'approximate outline of air conditioning unit below' shown on the submitted plans. However, this is not part of the appeal development which is before me, and the presence of an air conditioning unit is not a factor that has influenced my conclusions above.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed. No conditions are necessary given that the development has already occurred.

J Bowyer

INSPECTOR