



Appeal Decision

Site Visit made on 13 April 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/X5990/D/20/3263637

30 Bridstow Place, London W2 5AE

- 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 L Swayne against the decision of City of Westminster Council.
 - The application Ref 20/05008/FULL, dated 6 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is raising of existing parapet and chimney stacks alongside the installation of frameless, obscured glazed balustrades in connection to the use of main roof as a terrace, including the replacement of an existing dome rooflight to a flat rooflight and alterations to the existing roof lantern.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council's decision notice referred to policies DES 1, DES 6, DES 9, ENV6 and ENV13 within the Westminster Unitary Development Plan 2007 and Policies S25, S28, S29 and S32 within the City Plan 2016. These policies have now been superseded by the City Plan 2019-2040 (2021) (CP) which was adopted on the 21 April 2021. The relevant policies are those which are in place at the time the appeal decision is made and, in that respect, I shall refer to the relevant policies of the CP in making my recommendation. Both main parties have had opportunity to comment on the revised development plan policy position.

Main Issues

4. The effect of the proposal on 1) the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Westbourne Conservation Area (CA), and 2) the living conditions of neighbouring occupiers in regards to privacy, noise and disturbance.

Reasons

Character and appearance

5. No. 30 is a three-storey property with parapet roof located toward the northern end of Bridstow Place. It sits within a perimeter block with the rear of properties along Bridstow Place backing onto the rear elevations and/or gardens of properties located along Chepstow Road. No. 30 is linked to a two-storey property which has a flat roof currently used as a roof terrace. This building appears to have once been functionally attached to No. 30 along with the adjoining four storey property which fronts both Bridstow Place and Talbot Road.
6. Apart from No. 30 and the prominent corner building, the remainder of the street contains mainly two storey properties which have a single storey flat roof side return typically used as an outdoor terrace and shallow hipped roofs upon the main two storey element.
7. It is located within the centre of the Westbourne CA, with its significance, as far as it relates to the appeal, deriving from the attractive character and often uniformed nature of the Victorian buildings. Moreover, the symmetry in appearance along Bridstow Place when viewed from Chepstow Road is partly down to the relationship the properties have to the narrow road which creates an intimate and positive contribution to the street scape.
8. The proposal seeks to raise the walls of the existing parapet roof and chimney stack to create a terrace which would be enclosed by a glazed balustrade. It is also proposed to incorporate an additional roof light and modification of the existing roof lantern to allow access onto the roof.
9. The proposed glazed balustrade would sit higher than the raised parapet and whilst little if any of it would be viewed from the ground level of No. 30 or from the immediate street below, it would be obvious when viewed from some of the upper – floor rear windows of properties located at Nos. 33 and 35 Talbot Road, and those located along Hereford Road and Chepstow Road. It would also be noticeable from the side windows of the linked building and whilst I observed that some of these windows contained opaque glazing in the lower parts of the upper floor windows, visibility of the glazed balustrade from the upper parts of these windows would still be possible. The balustrade would also be visible from various street views albeit from oblique and upward views from along Talbot Road and from the northern end of Bridstow Place.
10. As a result of the proposed materials and overall height of the glazed balustrade upon this roof scape it would appear out of keeping with the prevailing character of properties along Bridstow place which apart from No. 33, the linked and corner building, feature shallow hipped roofs. Despite the increase in the parapet wall with its sympathetic design, the balustrade would jar against the original simple design of the flat roof and would not be architecturally sympathetic to the character of the building or the wider street scape. As its presence would still be very much apparent from public views from those receptors previously mentioned the proposal would not only harm the character and appearance of the host property but would also fail to preserve the character of this part of the CA and the CA as a whole.
11. The harm that the proposed development would cause to the significance of the CA would be less than substantial. However, there would be no public benefits that would outweigh that harm. Whilst I appreciate the need for private outdoor amenity space particularly during Covid-19 pandemic, these personal benefits do not equate to public benefits that would provide sufficient

justification for the proposal given the identified harm. No evidence has been submitted regarding the levels of stress on outdoor public amenity areas in the surrounding area, therefore I attach no weight to this. The proposal, therefore, causes harm that is not justified or outweighed, as required by the National Planning Policy Framework (the Framework).

12. On this main issue I conclude that the development would have an adverse impact on the character and appearance of the host property and fails to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies 38, 39 and 40 of the CP which seek to protect the character and appearance of the existing area and preserve or enhance the historic environment.

Living Conditions

13. The proposed balustrade would also facilitate the use of the flat roof as a sitting out terrace area. This would introduce a new vantage point from which there would be views over a short distance down into the windows of the properties on the linked building, across to the upper windows located at Nos'. 33 and 35 Talbot Road and across to the rear of properties located along Chepstow Road. Longer – range view into some of the rear gardens of properties in Hereford Road and Chepstow Road would also be possible.
14. The appellant recognises that overlooking may occur into some of these neighbouring windows and has proposed to mitigate this by way of obscuring some of the glazing within the proposed balustrade *at least 1.7 metres above the deck level*. However, I consider that any degree of overlooking that has the potential to affect the privacy of the occupiers of these neighbouring properties would be harmful and these measures would not be sufficient to address those concerns. The closeness of the proposal to these neighbouring windows and particularly those windows located in the lower levels of the linked building, despite the lower parts of the windows appearing as opaque, would, therefore, diminish the privacy of neighbouring occupiers and also the occupiers of gardens in Hereford Road and Chepstow Road.
15. Given that an existing roof terrace exists upon the roof of the linked building, it is reasonable to consider that the proposed levels of noise and disturbance would not be materially greater than what is already experienced by neighbouring occupiers when this neighbouring terrace area is in use.
16. On this main issue whilst it is considered that the proposal would not harm the living conditions of the neighbouring occupiers in respect of noise and disturbance, thereby is compliant with Policy 33 of the CP which seeks development to prevent adverse effects of noise to nearby residents, it has been found to cause harm to the living conditions of the neighbouring occupiers with respect to privacy, and I attach substantial weight to this harm.
17. The proposal is therefore contrary to Policies 7, 12 and 38 of the CP which seeks to protect and provide a good standard of amenity for existing and future occupiers and to provide high-quality external living environments. The Council have stated that Policy 34 is relevant in the assessment of this main issue, however, they have not provided any reasons for this. As this Policy relates to Green infrastructure, I do not consider that it relates to the proposal before me in terms of residential amenity.

Conclusion and Recommendation

18. The proposal has been found to harm the character and appearance of the area and fails to preserve the CA. It also harms the living conditions of neighbouring occupiers in terms of privacy. This outweighs the lack of harm found in regard to the living conditions of neighbouring occupiers with regard to noise and disturbance.
19. For the above reasons and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Preston

INSPECTOR