



Appeal Decisions

Site Visit made on 12 October 2021

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal A Ref: APP/X5990/D/20/3264056

48 Wilton Crescent, London, SW1X 8RX

- 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 Espalier Ventures Property against the decision of City of Westminster Council.
 - The application Ref 20/04257/FULL, dated 8 July 2020, was refused by notice dated 6 October 2020.
 - The development proposed is for the erection of a rear closet wing and lift within the closet wing.
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Appeal B Ref: APP/X5990/D/21/3268179

48 Wilton Crescent, LONDON, SW1X 8RX

- 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 Espalier Ventures Property against the decision of City of Westminster Council.
 - The application Ref 20/07978/FULL, dated 9 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is for the erection of a rear closet wing and lift within the closet wing.
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Decision: Appeal A Ref: APP/X5990/D/20/3264056

1. The appeal is allowed and planning permission is granted for the erection of a rear closet wing and lift within the closet wing at 48 Wilton Crescent, London, SW1X 8RX in accordance with the terms of the application, Ref 20/04257/FULL, dated 8 July 2020, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
 2. The development shall be carried out in accordance with the following approved plans: E(0)09; GA(0)400; E_DM(0)01; E_DM(0)02; E_DM(0)03; E_DM(0)04; E_DM(0)05; E_DM(0)10; E_DM(0)21; GA(0)01; GA(0)02; GA(0)03; GA(0)04; GA(0)05; GA(0)09; GA(0)10, and; GA(0)21.
 3. Prior to commencement of development samples of all external materials to be used shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Decision: Appeal B Ref: APP/X5990/D/21/3268179

2. The appeal is allowed and planning permission is granted for the erection of a rear closet wing and lift within the closet wing at 48 Wilton Crescent, London, SW1X 8RX in accordance with the terms of the application, Ref 20/07978/FULL, dated 1 February 2021, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
 2. The development shall be carried out in accordance with the following approved plans: E_DM(0)01; E_DM(0)02; E_DM(0)03; E_DM(0)04; E_DM(0)05; E_DM(0)10; E_DM(0)21; GA(1)300; GA(1)09, and E(0)09.
 3. Prior to commencement of development samples of all external materials to be used shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Preliminary Matters

3. Listed building consent in respect of both appeal developments have been granted by the Council. It therefore remains whether either or both appeal schemes should also be granted planning permission.
4. Since the applications were determined by the Council, it has now adopted its City Plan 2019-2040. The Council informs me that there have been no significant changes in policies relevant to these appeals. I have considered the appeals on the basis of the latest development plan.

Main Issue

5. The main issue in both appeals is the effect of the development on the living conditions of the neighbouring property, namely the first floor flat at 49 Wilton Crescent, in terms of outlook.

Reasons

6. No.48 Wilton Crescent comprises a Grade II listed 5-storey property forming part of a listed terrace of similarly designed properties lying within the Belgravia Conservation Area opposite the Grade II Registered Park and Garden of Wilton Crescent.
7. Having granted listed building consent for both schemes, the Council acknowledged that the appeal proposals would preserve and not harm the significance of the listed building. I have no reason to disagree with that assessment. Moreover, it has raised no material concerns relating to the effects of either of the proposed developments on the significance of the Registered Park and Garden or in terms of whether the appeal schemes would fail to preserve or enhance the character and appearance of the conservation area. The focus of these appeals relates only to the effects on the living conditions of a neighbouring property.
8. The schemes are similar in design with the only difference being the height of the proposed rear closet wing (Appeal A: approximately 6100mm in height; Appeal B: approximately 6700mm in height). Otherwise, they have more or less the same dimensions in terms of depth of some 1560mm and width of

some 2825mm max. The Council's main concern is in relation to the extent of projection from the rear wall.

9. There is little dispute between the parties that both appeal schemes would reinstate a rear closet wing removed some time after 1914 according to archive drawings of the property. There is also agreement that there is a perception of a tight urban grain to the rear of the appeal property and its neighbours, including the immediate neighbour No.49. From photographs accompanying the evidence, including from the occupier of the neighbouring property and from my own site visit, there are a variety of structures, differing roof planes, enclosed and open outdoor living spaces and other paraphernalia that combine to create an eclectic built arrangement to the rear of this terrace. Moreover, given the tight layout, there is a high degree of intervisibility between properties with resultant overlooking of private outdoor spaces and in some cases, direct and indirect views of windows to neighbouring properties.
10. The Council was satisfied that there would be no unacceptable impact on living conditions arising from loss of daylight or sunlight and from my reading of the reports that accompanied the planning applications, I have no reason to disagree with the Council's assessment in these regards. Further, the Council was satisfied that potential noise from the operation of the lift within the closet wing would be within acceptable limits.
11. Although space between buildings is an important consideration that contributes to the enjoyment of properties by their occupiers and which can be harmed through unacceptable incremental additions and boundary treatments, I do not consider that the projection of some 1560mm as proposed by the appeal schemes or their final height would be significantly harmful to the living conditions of occupiers of the flat at No.49. Despite the tight urban grain found at this location, I found that a degree of openness exists to the rear aspect of No.49, which benefits from the number of openings facing the appeal site. Consequently, the proposals would not create unacceptable material loss of residential amenity, which Policy S29 of the Council's City Plan seeks to prevent but rather, the development would improve the residential environment overall.
12. Consequently, both appeal schemes would comply with the Council's development plan in these respects.

Other Matters

13. Although the Council has not raised any concerns about the effect on the Conservation Area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. The Belgravia Conservation Area is characterised by its original surviving network of stucco-clad squares and terraces set out on spacious streets, some of which overlook highly attractive central gardens. The rears of properties are of very different character with changes having taken place over many years. Notwithstanding, each of the proposals would reinstate a closet wing albeit in modified form from the original. Either scheme would therefore better reveal the original character and significance of a listed building within the Conservation Area as well as concealing the unattractive modern render that followed the removal of the original closet wing. The Council acknowledged these benefits when granting listed building consent.

14. I do not consider that there would be any unacceptable harm to the Conservation Area would arise in this case and, at the very least, the character of this Area would be preserved.

Conditions

15. I have not been supplied with a suggested list of conditions by either party but have followed the advice contained in the Government's Planning Practice Guidance. For both appeals and, in addition to the standard time limit, conditions are included requiring compliance with approved plans to provide certainty and requiring prior approval in writing by the Council of all external materials to be used in the construction in order to protect the character and appearance of the area.

Conclusion

16. For the above reasons I conclude that both Appeals A and B should be allowed.

Gareth W Thomas

INSPECTOR