



Appeal Decision

Site visit made on 7 December 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/X5990/W/21/3277783

164-166 Vauxhall Bridge Road, London SW1V 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr William Rogers against City of Westminster Council.
 - The application Ref 20/06299/FULL, is dated 6 October 2020.
 - The development proposed is the erection of one storey rooftop extension, restoration of existing facades and change of use to serviced apartments (C1 use).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one storey rooftop extension and rear extension from basement to third floor level, restoration of existing façades and change of use to serviced apartments (C1 use) at 164-166 Vauxhall Bridge Road, London SW1V 2RA in accordance with the terms of application Ref 20/06299/FULL, dated 4 November 2020, subject to the conditions set out in a Schedule attached to this decision.

Procedural Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission on two grounds. I have had regard to this statement in framing the main issues.
3. The description in the banner heading above is taken from the planning application form. However, it makes no reference to a proposed rear extension which formed part of the planning application. The Council's consultation on the application revised the description to reflect the inclusion of the rear extension. Subsequently, the rear extension was reduced in size at the request of the Council. It is unclear from the information before me if the Council reconsulted on the revised scheme, however, as the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plans into account.
4. Furthermore, according to the main parties, the revised plans show extensions substantially identical to a previously approved scheme. Accordingly, I have proceeded on the basis of the revised proposals and have determined the appeal with regard to plans: P101 Rev C, P102 Rev A, P103 Rev B, P104 Rev B, P105 Rev C, P106 Rev B, P200 March 2021, P201 March 2021, P202 March 2021, P203 March 2021, P301 June 2021, P302 June 2021 and PL4.06.

5. The site lies within the Vincent Square Conservation Area (the CA). There is no dispute between the main parties that the proposed development would not have an adverse effect on the character or appearance of the CA. Pursuant to the duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view. The extensions would assimilate with the existing building and the wider area in terms of their siting, scale, detailing and appearance. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area and I shall make no further reference to this matter.
6. The site benefits from a number of previous planning permissions. In 2018 the Council issued a Certificate of Lawfulness of Existing Use or Development¹ (CLEUD) in relation to the implementation of permission Ref. 14/11365/FULL. This permission was for the construction of a single storey mansard roof extension and rear extension from basement to fourth floor level in association with the use of part basement, part ground and the upper floors as 7 self-contained residential flats.

Main Issues

7. The main issues are:
 - Whether or not the location is suitable for serviced apartments
 - The effect of the development on the supply of commercial office space.

Reasons

Locations for serviced apartments

8. Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) includes various forms of hotel accommodation. Policy 15 of the City of Westminster City Plan 2019-2040 (the CP) recognises the requirement for development to maintain an appropriate balance between the needs of visitors, businesses and local communities. It directs new hotels to the commercial areas of the Central Activities Zone (CAZ) and town centres that are district centres, or higher, in the town centre hierarchy.
9. A previous planning decision² at the site identifies the area as one of mixed commercial and residential use. The location lies at a significant intersection on busy roads where the majority of ground floor premises are in retail or other commercial uses. There is a variety of uses apparent on upper floors, which include some examples of high-density housing. The wider locality features a range of shops and services, including pubs and an outdoor market. The area is well served by public transport and close to Pimlico and the Victoria stations.
10. Although the area has some residential properties within it, and some with common boundaries with the site, this is the case in many commercial areas of the city. There is little before me to identify how the proposal would cause harm to residential occupiers or adversely impact the balance between visitor, business and local community needs.

¹ 18/00751/CLEUD

² 21/06245/FULL

11. In the context of the busy location and modest scale of the accommodation, the Council accepts that an operational management plan secured through planning condition would address concerns beyond the mere principle of the location. Subject to implementation of a management strategy, I find that any effect on nearby residents is unlikely to be significant.
12. In the absence of substantive evidence to demonstrate otherwise, I find the location of the proposed use within the CAZ would strike a balance with the existing mix of uses. This would be in a highly accessible location and without significant harm to nearby residential living conditions. For those reasons, I conclude that the proposal would be consistent with the aims of Policy 15 of the CP as it seeks to direct visitor accommodation to commercial areas of the CAZ and town centre locations.

Commercial office space

13. Policy 13 of the CP seeks to prevent the net loss of office floorspace from the CAZ unless it has been demonstrated that no interest exists in the property for office, other Class E uses, or for educational or community purposes. This is to protect opportunities in an area where office floorspace has declined because of housing pressures and changes to permitted development rights, amongst other things.
14. According to the appellant, floors 1-3 have been vacant for more than 4 years. This is a matter which is not contested by the Council. However, there is little to indicate that any recent marketing of the premises has occurred to test the viability for other potential uses.
15. Nevertheless, pursuant to the Council's issue of the CLEUD, the site benefits from an extant permission and a fallback position to provide residential use of the existing upper floors and a proposed mansard level in conjunction with a rear extension. In effect, the Council has previously conceded the loss of the commercial floorspace and it would not therefore be appropriate to seek to go behind that decision. Whilst the former office use has not been supplanted to date, given the recent planning history for the site and period of vacancy, I find the prospect of reinstatement of an E-class uses seems improbable on the basis of the evidence before me.
16. Having regard to those matters, in the particular circumstances of the case I find there would be no conflict with Policy 13 of the CP as it seeks to protect commercial office floorspace in the city.

Other Matters

17. The building is in a prominent location and forms a large part of the closing vista when travelling east along Warwick Way. Securing an active use and the sensitive adaption of a building which has lain largely empty above the ground floor level for some time, will potentially support its improved and ongoing maintenance and an enhanced appearance. This would be a benefit of the locality and the wider CA.
18. I note the concerns of third-party groups in relation to the potential arrangements for cycle and bin storage, site management and servicing. The Council has sought advice on these matters and is content that highway and servicing implications would be little different to those generated by the former use of the site. The arrangements for bin and cycle storage are matters which

are capable of being addressed and secured through planning conditions. Similarly, the management regime and securing installation of CCTV at the site to manage and monitor patrons are also matters which can be addressed through conditions.

19. I note the concerns of the Council regarding representations made by the appellant in relation to its officer. However, this is a matter outside the scope of considerations relevant to the determination of this appeal.

Conditions

20. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Some have been edited for precision and clarity. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
21. Conditions in relation to external finishes and replacement window detailing are necessary to preserve the character and appearance of the building and the wider CA. In the interests of protecting residential amenity and highway safety, operational and servicing management plans are necessary and reasonable, as are restrictions to noisy working times.
22. To encourage sustainable forms of transport, cycle storage facilities are necessary.

Conclusion

23. For the above reasons, I find the proposal aligns with the requirements in the development plan and therefore the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref 20/06299/FULL

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan – British National Grid 1:500; P101 Rev C, P102 Rev A, P103 Rev B, P104 Rev B, P105 Rev C, P106 Rev B, P200 March 2021, P201 March 2021, P202 March 2021, P203 March 2021, P301 June 2021, P302 June 2021 and PL4.06.
- 3) Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).

- 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved plans or are required by conditions to this permission.
- 5) No windows shall be replaced until detailed drawings (elevations and sections at a scale of 1:10 and 1:20) of the replacement windows have been submitted to and approved in writing with the local planning authority. The development shall be completed in accordance with the approved details.
- 6) Prior to the first use of the building as serviced apartments (Class C1) a detailed Operational Management Plan for the site shall be submitted to and approved in writing by the local planning authority. This shall include details of the staff numbers, management processes, waste management and guest arrival and departure procedures. The approved Operational Management Plan must thereafter be implemented for the life of the development.
- 7) Prior to the first use of the building as serviced apartments (Class C1) a detailed Servicing Management Plan for the site shall be submitted to and approved in writing by the local planning authority. This shall include details of internal storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the delivery times, including time spent on the highway, will be

minimised. The approved Servicing Management Plan shall be implemented for the life of the development.

- 8) You must provide cycle parking as space shown on the approved drawings prior to occupation of the development. Thereafter the cycle storage must be retained, and the space used for no other purpose.

END.