



Appeal Decision

Site visit made on 4 March 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND March 2022

Appeal Ref: APP/K5600/D/21/3286763

31-32 Godfrey Street, London, SW3 3SX

- 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 Cypress Point Trust against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04560, dated 12 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is a retrospective application to retain external spiral staircase to rear of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 19 Jubilee Place (No.19), with regards to privacy.

Reasons

3. 31-32 Godfrey Street is a mid-terrace property which directly adjoins properties in Jubilee Place to the rear. The tight grain of development creates a compact and an irregular relationship with the neighbours which includes a range of building elevations, terraces, and boundary treatments at different levels in close proximity.
4. The existing first floor terrace to 31-32 Godfrey Street abuts the shared boundary, which is primarily formed of a high wall. However, a small section is open and extends partially across the recessed part of No 19. This recessed area contains first floor windows, level with the terrace, both in the rear elevation and in the side return. Additionally, the sloped roof to the ground floor which infills the whole of the recess is glazed.
5. The spiral staircase to access the terrace has been erected immediately adjacent to the shared boundary with No.19 and whilst it is a narrow and compact structure it effectively extends across the rest of the recess.
6. Given the relationship there is an existing level of mutual overlooking between properties in Jubilee Place and Godfrey Street, and I accept that the existing terrace does potentially allow for an outlook towards the neighbour's windows. However, this is only from a specific position and having regard to the size and form of the terrace the general outlook directly towards No.19 is limited.

7. In contrast, the staircase specifically brings people/activity to the boundary and close to the windows of No.19. When ascending and descending you are directed towards the property allowing for views into the first floor, and down into the ground floor rooms. I accept that use of the staircase would be limited in duration and frequency, nevertheless, in my view, the presence of the staircase in such proximity creates a perceived loss of privacy and visual intrusion for the occupiers of No.19.
8. The appellant explains that the staircase provides a link between the ground floor and the terrace and would aid maintenance. Nevertheless, access to the terrace is provided from two first floor doors and there are no details before me which identify a specific need for the staircase in that location. I understand that planting previously provided screening, however this is not permanent as illustrated by the current situation. Furthermore, given the visual impact and effectiveness of any potential screening this is not something which I consider could be mitigated by condition.
9. Overall, I find that the position of the staircase has resulted in an unneighbourly form of development which has a harmful impact on the living conditions of the occupiers of No.19. Thus, the development conflicts with Local Plan¹ policy CL5 which requires development to ensure good living conditions to existing buildings and reasonable visual privacy for occupants.

Other Matters

10. The appeal site lies within Chelsea Conservation Area (CA). As such, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is derived from the terraced properties of a differing styles and ages, ranging from small two storey to five storey terrace houses.
11. In assessing the planning application, the Council found that the development was in accordance with the Local Plan's conservation policies. Given the extent, nature, and location of the development, which is not visible from the public domain and only has a limited prominence from the private domain, the impact on the character and appearance of the area would be neutral. I thereby agree with the Council's assessment and thus the significance of the CA as whole would be preserved.

Conclusion

12. For the reasons set out and having regard to all other matters raised I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR

¹ The Royal Borough of Kensington and Chelsea Local Plan, September 2019