



Appeal Decision

Site visit made on 29 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/X5990/W/21/3284926

10 Rutland Court, Rutland Gardens, London SW7 1BN

- 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 Donvil Limited against the decision of the Council of the City of Westminster.
 - The application Ref 21/01262/FULL, dated 1 March 2021, was refused by notice dated 21 April 2021.
 - The development proposed is the conversion of garage and extension to provide ancillary sleeping accommodation in connection to the existing flat and the insertion of a doorway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the planning application was refused, the then emerging Westminster City Plan 2019-2040 was adopted. Accordingly, the policies of the Westminster City Plan and Westminster Unitary Development Plan referenced within the Council's decision notice have been superseded. As the appeal was submitted following the adoption of this plan, both main parties had the chance to comment on the policies which remain relevant to this appeal.

Main Issue

3. Whether the proposal would be tantamount to the creation of a separate dwelling and, linked to this, whether satisfactory living conditions would be provided for future users.

Reasons

4. This appeal relates to a single storey garage located in a courtyard to the rear of an apartment building known as Rutland Court. The garage is associated with a third floor flat within the main building and access to the courtyard and garage can be gained from a rear door of the main building or from Rutland Gardens.
5. The Council has raised concern that the proposed accommodation could be used as a separate dwelling and has set out its reasons why it would be unsuitable in this regard. The appellant has however applied for the conversion of the garage to provide accommodation ancillary to the main flat so as it functions as a residential annex.

6. The conversion would provide a bedroom space and shower room. There would be no kitchen facilities and overall, the size of the accommodation would be extremely limited and considerably smaller than the main flat. It is intended that the facilities of the main flat, namely the kitchen, would be shared with the proposed annex. The reliance on the main flat for preparing meals would therefore create a degree of interaction between the annex and the flat.
7. However, the closest and most direct route from the annex to the flat would be through a rear access door of Rutland Court. This opens to a staircase which leads down to the basement level, from which either stairs or a lift can be used to go to the third floor flat. Access could also be gained by traversing across the courtyard, onto Rutland Gardens and around to the front of Rutland Court and through its main entrance. The lift or stairs would then be used to go to the third floor. The garage and flat are notably removed from one another.
8. I also observed that the access door on the rear of the building is of limited height and there are overhead obstructions in the courtyard leading to the door, all of which require one to lower their head to navigate under and through this access route. The stairs immediately beyond the door also feel somewhat makeshift and dangerous. Overall, this access is particularly poor, and it is quite clear that it is not intended for main access to the building, but rather as an infrequent, service route or emergency exit. There is a clear distinction between it and the opulence of the main entrance to the building.
9. Further to this, the appellant has made it clear that they employ the services of a butler/chauffeur and they have historically provided them with a separate flat elsewhere in the area in which they could live. This proposal seeks to provide sleeping accommodation closer to the appellants flat for this member of staff, therefore negating the need for them to commute to their place of work. The appellant states that the main flat is the butler/chauffeur's primary residence while in London. In this regard, the relationship between the member of staff and the appellant would be similar to that of family members.
10. However, where this proposal differs is, based on the information before me, it seems to me that the proposed development would provide independent accommodation in which the butler/chauffeur would spend a considerable amount of time both on and off duty, thus functioning in a similar way to their own independent dwelling.
11. Therefore, despite the lack of facilities within the proposal and the interrelationship with the main flat in this regard, the significant separation between the garage and the flat, the access route and the information provided regarding the nature of the work of the member of staff, significantly reduces the ancillary nature of the proposal and raises concern in my mind that it could function independently from the main dwelling.
12. However, setting aside these concerns, irrespective of the intended user of the proposal an assessment on the standard of accommodation is nevertheless required. Whilst ancillary accommodation does not need to meet minimum standards for separate dwellings, there is a requirement in policies 12 and 33 of the City of Westminster City Plan 2019 – 2040 (April 2021) (the City Plan) that residential proposals provide satisfactory living conditions.
13. I acknowledge that vehicles are restricted from parking within the courtyard and thus noises from vehicles and associated comings and goings would be

limited in the evenings and overnights, when users of the proposal would likely be sleeping. However, during the day, it appears that the courtyard is primarily used for the parking of trade vehicles. I observed that bins were also stored within this area close to the appeal garage. As such there would be a degree of noise and disturbance during the day.

14. Outlook would also be poor as it would be restricted to the side in an enclosed part of the courtyard, and internally the space would feel cramped and dark due to the restricted outlook. Collectively these factors, along with the disassociation of the proposed annex and its poor relationship to the flat, would create a poor quality of life for users of the proposal and cause them to feel isolated. It would not be a pleasant space to spend any considerable amount of time.
15. I note that the Council previously indicated that the garage could be capable of providing ancillary living accommodation, subject to a legal agreement preventing it from becoming self-contained. From the information before me however, it appears that the Council noted that a poor living environment would nevertheless result, as I have also found above. A condition or planning obligation to restrict the use of the garage so that it would remain ancillary to the main flat would not therefore make the proposal otherwise acceptable.
16. There is limited detail before me of a previous approval for the conversion of an adjacent garage. I do note however that the issue in that example appeared to relate to highway matters, unlike the proposal before me. Moreover, the relationship between the garage and its respective flat is unclear. As such, I afford this matter limited weight.
17. Accordingly, irrespective of my findings that the proposal would be more akin to a self-contained unit, it would nevertheless fail to provide satisfactory living conditions for future users. The proposal therefore conflicts with Policies 12 and 33 of the City Plan for the reasons given above.

Other Matter

18. The appeal site is located within the Knightsbridge Conservation Area. As I am dismissing this appeal for other reasons its significance would be preserved.

Conclusion

19. The proposal conflicts with the development plan as a whole and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR