



Appeal Decision

Site visit made on 4 October 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/X5990/W/22/3300247

112 Crawford Street, City of Westminster, London W1H 2JF

- 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 Mr Santokh Chhokar against the decision of City of Westminster Council.
 - The application Ref 22/01044/FULL, dated 17 February 2022, was refused by notice dated 25 April 2022.
 - The development proposed is described on the application form as change of use of the basement (B1) to residential (C3) to create a self contained studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with regard to living space.

Reasons

3. The appeal property is a three storey (plus basement) terraced building with a commercial use at ground floor. The living area of the proposed studio flat, which would include a kitchen and living/sleeping space, would be in the basement of the property. A bathroom and dressing area would be on the ground floor, to the rear of the commercial use and separated from it through some internal reconfigurations of the property's layout. The living area and the bathroom/dressing area would be linked by an internal staircase. The proposal would also involve the opening up of the front lightwell and the installation of external rails and steps to the front and larger windows in the gable wall just above the pavement on Montagu Mews North.
4. Policy 12 of the 2021 adopted City of Westminster City Plan 2019 – 2040 (the City Plan) and Policy D6 of the London Plan 2021 require housing developments to meet the Nationally Described Space Standards (NDSS). The application form sets out that the gross internal floor area (GIA) of the studio flat would be 43 metres square (m²) although the Council identifies that the submitted plans indicate 41m² GIA. Despite the appellant's contention that the studio would occupy a single floor (the basement), the submitted plans show that the living accommodation would be provided over two floors. Even taking the larger GIA, the proposal would be significantly below the minimum standard of 58m² for a two storey dwelling set out in the NDSS and table 3.1 of the London Plan.

5. I note that the appellant has sought to address the concerns raised about the previous proposal that was dismissed on appeal¹, including the provision of an additional window and enlarging a window on the end elevation. This appears to have addressed the previous concern about whether adequate light would be provided for the accommodation. However, the windows in the side elevation would still be located just above the pavement level of Montagu Mews North and would face the end of a four storey building at relatively close distance. In addition, the front window would be in close proximity to the walls of the lightwell. Consequently, due to the internal arrangement, the windows would provide a restricted outlook for future occupiers.
6. The space standards are intended to act as a benchmark for high design quality. As a result of the shortfall in internal space, together with the restricted outlook that would be provided through the internal arrangement, the proposal would not provide the high quality living environment or the comfortable and functional layout expected by Policy 12 of the City Plan and Policy D6 of the London Plan.
7. The appellant refers to draft housing supplementary planning guidance, stating that it provides flexibility to propose a proportion of single person dwellings of less than 50m² in central areas, where there is very good public transport accessibility (PTAL) and access to local services and amenities. However, no detail is provided about this document including its status, or what PTAL level might apply to the property. I therefore give this very limited weight.
8. My attention has been drawn to three consented proposals for the conversion of commercial units to residential use near to the property². However, the Council's reports for these proposals demonstrate that each met the relevant space standards in place at the time, which is not the case with the proposed development. These schemes do not therefore appear to have entirely similar circumstances to this appeal scheme, and as such do not alter my findings.
9. Accordingly, I conclude that the proposed development would not provide acceptable living conditions for future occupiers with regard to living space. It would therefore be contrary to the requirements of Policy 12 of the City Plan and Policy D6 of the London Plan, the most relevant requirements of which have been summarised above.

Other Matters

10. The appellant has identified a number of City Plan and London Plan policies and paragraphs of the National Planning Policy Framework which it is contended that the proposed development would accord with. This includes promoting the effective and efficient use of land and supporting the change of use and intensification of land and surplus office space to other uses including housing. While this may be the case, it would not outweigh the harm that I have identified.
11. From my site visit observations, it does appear that the basement has been vacant for some time. However, no substantive evidence is before me to demonstrate that its condition has a detrimental effect on the use of the office on the ground floor. I therefore give this matter limited weight.

¹ Appeal reference APP/X5990/W/19/3236819

² Application references 11/02077/FULL; 14/01686/FULL and 14/01687/LBC; 16/08629/FULL

12. The property at 112 Crawford Street, together with no. 113, is a grade II listed building. It lies within the Portman Estate Conservation Area (the CA). The submitted information identifies that the building has already been subject to substantial internal alterations and the proposed internal changes would be relatively limited. The front elevation would still be clearly visible through the proposed railings, the relatively simple facade would be maintained and the group value of the pair of properties would still be discernible. There are several examples of front lightwells of varying sizes and designs in the CA, and the one proposed would not appear incongruous within the street scene. I note the Council's view about the enlarged side window but am mindful of the suggested condition which would require the submission of details for its subdivision. On the evidence before me therefore, including the previous appeal decisions³ for a similar proposal which addressed heritage issues in some detail, the proposed development would preserve the listed building, its special interest, and the character and appearance of the CA.

Conclusion

13. The proposed development would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR

³ Appeal references APP/X5990/W/18/3205570 and APP/X5990/Y/18/3197822