



Appeal Decision

Site visit made on 1 November 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/X5990/W/22/3293786

31 Charlwood Street, London SW1V 2DU

- 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 Bachu Patel (Expressspace Sidney Hotel Ltd) against the decision of City of Westminster Council.
 - The application Ref 21/08438/FULL, dated 9 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is second and third floor rear extension to an existing hotel.
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Decision

1. The appeal is allowed and planning permission is granted for second and third floor rear extension to an existing hotel at 31 Charlwood Street, London SW1V 2DU in accordance with the terms of the application, Ref 21/08438/FULL, dated 9 December 2021, subject to the following conditions:
 - 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 Location Plan (dated 27th Nov 2021), RH SK 110: Proposed second floor plan, RH SK 111: Proposed third floor plan, RH SK 112: Proposed roof plan, RH SK 113: Proposed front and rear elevations (June 2021), RH SK 114: Proposed section, RH SK 115: Proposed side north elevation, RH SK 200A: Block plan.
 - 3) The materials, including (but not limited to) the colour, texture, face bond and pointing of the facing brickwork, to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building and shall be retained as such thereafter.
 - 4) The extension hereby permitted shall not be occupied until all new windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter in accordance with the approved details.

Main Issues

2. The main issues are:

- The effect of the proposed development on the character and appearance of the Pimlico Conservation Area.
- The effect of the proposed development in the living conditions of neighbouring residents and in particular, the effect on the outlook of the occupiers of the neighbouring dwellings including at 54 Denbigh Street.

Preliminary Matter

3. The appellant has provided a list of planning application drawings which were submitted to the Council. This list includes reference to 'RH SK 113A Proposed front and rear elevations'. However, the drawing provided by the appellant is annotated with the reference number RH SK 113 (albeit the electronic file name refers to revision A). The appellant has confirmed that the drawing provided to me is that which was before the Council when it considered the planning application and that no revisions were made to this plan during the Council's consideration of the planning application. As such, I have approved the plan reference 'RH SK 113' as this is the number specified on the submitted plan which is before me.

Reasons

Conservation Area

4. The appeal site comprises 31 Charlwood Street (the host property), which like many buildings in the immediately surrounding area is a prominent multi-storey terraced building. The host property is linked to 68 to 76 Charlwood Street and together these buildings comprise a hotel. The proposal involves a two storey extension to create two new hotel rooms at second and third floor level to the rear of the host property.
5. The character of development to the rear of the host property comprises a compact collection of rear building elevations consisting of various multi-storey outriggers and extensions. These outriggers have a varied character in terms of their scale, design and orientation. This varied character results in an attractive setting, despite the dense and compact relationship between buildings. The neighbouring properties to the rear of the host property are predominantly residential and neighbouring windows and gardens are in close proximity to the host property.
6. The appeal site is also located within the Pimlico CA. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
7. The evidence before me indicates that the CA primarily derives its significance from consistency of built form with highly disciplined street layouts. This significance predominantly manifests itself in the appearance of the street frontages, with classical multi-storey terraces predominantly consisting of a stucco style. In this regard, the principal elevation of the host property makes a positive contribution to the significance of the CA. However, the rear elevations clearly deviate from this predominant character.

8. Nonetheless, the rear elevations also make a positive contribution to the significance of the CA, through their compact and more varied scale and appearance, which is almost the antithesis of the far more uniform street frontages which conceal them. Indeed, the variation in character to the rear of properties in this area is a by-product of the largely unmodified and uniform appearance of the frontages and in this sense it contributes positively to the significance of the CA.
9. The proposed two storey extension would be located above an existing outrigger. Whilst it would significantly increase the height of the existing outrigger, it would nonetheless remain as a subservient feature of the host property, with a clearly lower ridge height. The design is consistent with the host property, with the proposed fenestration and materials matching the existing. The height, depth and width of the development would be at the larger end of the scale in comparison to surrounding outriggers. However, there are examples of a similar scale, notably those to the south of the site. In any case, as I have already noted; the variation in scale and massing is a positive contributor (albeit a limited one) to the character of the CA.
10. As such, given its subservient appearance, matching materials and its relative consistency with the varied scale of surrounding outriggers, the proposed development would have neutral impact on the CA, thus preserving its character. For these reasons the proposed development would comply with City Plan 2019-2040 (2021) Policies 38 and 40 which seek in part to ensure that new development contributes positively to local character and that it conserves heritage assets.
11. Given that the proposal would not lead to any harm to a heritage asset there is no requirement for the balanced judgement set out under Framework Paragraph 202. Indeed, the proposal complies with the relevant provisions of the Framework in relation to heritage assets.

Living Conditions

12. As already noted, the area to the rear of the host property comprises the rear elevations of numerous residential properties, many of which are located on Denbigh Street. The rear elevations of many of these properties, including the dwellings within No. 54, are located in close proximity to the appeal site. However, the outlook from these properties is already constrained given this close proximity. Furthermore, in comparison to the existing outrigger, the proposed development would not extend the host property any closer to these neighbouring dwellings nor their associated outdoor areas.
13. Whilst I note that an increase in height can create overbearing impacts in certain circumstances, in this case the host property already rises significantly above many of these neighbouring dwellings. The proposed development would not increase any overbearing impacts in this regard. Indeed, I have carefully considered the impact upon these neighbouring dwellings. I have also had regard to the objections received. Concerns in relation to privacy can be overcome through suitably worded planning conditions to ensure that the proposed windows are obscure glazed to a specification agreed by the local planning authority.
14. Interested parties have also raised the issue of access to natural light. However, the appellant has provided technical evidence which demonstrates

that the proposal would not lead to a significant loss of light to neighbouring dwellings. There is no substantive evidence before me which casts any doubt on the veracity of this report. Whilst this assessment focuses on particular properties, given the orientation of these in relation to others on Denbigh Street, the findings can be equally applied to other dwellings. I therefore consider that the proposal would not harmfully impinge on the living conditions of neighbouring occupiers in terms of access to natural light.

15. I note the Council's reference to a previous application which was refused in 2002¹, resulting in the demolition of that development. However, I have not been provided with the plans in respect of that application. Furthermore, the development plan context has changed since that time and site-specific considerations may also have changed. For these reasons, and even if the site-specific characteristics remain unchanged since that time, this previous decision does not alter or outweigh my findings.
16. In summary, the proposed development would not be harmful to the living conditions of the occupiers of neighbouring dwellings, particularly the occupiers of those dwellings located on Denbigh Street to the rear of the site. As such, the proposed development would comply with City Plan Policies 7 and 38 which in part seek to safeguard living conditions.

Conditions

17. I have considered the Council's suggested conditions in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects.
18. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. A condition [3] requiring matching materials is necessary in the interests of character and appearance. A condition [4] ensuring that the new windows are obscure glazed and non-opening up to eye level is necessary in the interests of the privacy of neighbouring occupiers.

Conclusion

19. The proposed development complies with the development plan taken as a whole. There are no material considerations raised (of sufficient weight) which indicate a decision other than in accordance with the development plan. As such, the appeal is allowed, subject to conditions.

Luke Simpson

INSPECTOR

¹ LPA Ref: 01/03861/FULL