



Appeal Decision

Site visit made on 6 November 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/X5990/W/24/3349181

68-70 Apartment 2, Wardour Street, City of Westminster, London W1F 0TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ashraf Nehru against the decision of City of Westminster Council.
 - The application Ref is 24/00919/FULL.
 - The development proposed is described as: The proposal pertains solely to the removal of the obscure glazing films from the windows in the rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and made a Written Ministerial Statement (WMS) titled "Building the homes we need". These proposed changes can only be given limited weight at this stage. Given that those parts of the draft Framework most relevant are not proposed to be amended I consider there is no requirement for me to seek further submissions on the Framework, the consultation or WMS. I am satisfied that no party's interests would be prejudiced by my taking this approach.
3. While the plans show the windows, the subject of the appeal, relate to two bedrooms at the time of my visit I observed the windows to serve an open plan kitchen/reception room and a bedroom.

Main Issue

4. The main issue is the effect of the proposal on living conditions of existing nearby occupiers, with particular regard to privacy.

Reasons

5. The appeal site comprises a second-floor apartment. I observed obscure glazing films to cover over half of the glazed panels to the rear elevation windows/doors.
6. Given the high-density urban grain of the locality, residential properties are proximate to the rear elevation of the appeal property. It is understood that the windows serving No 212 Bourcher Street are within 8m of the appeal site. I observed windows of nearby properties, including No 212, to be transparent, with internal blinds to some of the openings. The removal of the obscure film would afford views into the windows of nearby properties.

7. While the appellant submits that full-height blinds will be installed internally to address potential issues of overlooking, between the appeal property and the adjoining property at the rear, this would be unenforceable. Moreover, the use of blinds would not give the benefit of additional natural light, which the appellant states they are seeking in pursuing this appeal.
8. I recognise that due to the orientation of the appeal property that the amount of natural light the rooms receive is limited and that the occupants of the appeal property would benefit from enhanced natural light. It is also noted that the windows are openable to an extent which affords a degree of overlooking and that there are no direct views of any gardens. Nevertheless, given the proximity of the appeal site to neighbouring properties, and the size of the openings, I consider that the proposed development would unacceptably diminish the living conditions of the existing occupiers by way of an increased level of overlooking.
9. For the reasons stated, I conclude that the proposal would be harmful to living conditions of nearby occupiers, with particular regard to privacy. Conflict therefore arises with Policies 7 and 38 c) of the City Plan 2019-2040 (Adopted April 2021), which among other things, seek to protect amenity for existing occupiers.

Other Matters

10. The site lies within the Soho Conservation Area (CA). Considering the nature of the proposal and that no other alterations to the appeal property are proposed, I concur with the Council that the appeal proposal would preserve the character and appearance of the CA.
11. The proposal would not impact upon matters of access, flood risk or fire safety. However, these are neutral matters that neither weigh for, nor against, the proposal.

Conclusion

12. The appeal is dismissed.

R. Gee

INSPECTOR