
Appeal Decision

Site visit made on 10 February 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal Ref: APP/X5990/W/24/3348904

Flat 1 and Flat A, 50 Hallam Street, City of Westminster, London W1W 6DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr and Mrs Raymond and Susan Haas against the decision of City of Westminster Council.
 - The application Ref is 24/02952/FULL.
 - The development proposed is Amalgamation of two separate residential units to form a single larger residential unit (retrospective application).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No description of the proposal was included within the appellants application form submitted to the Council. The Council have described this as per the banner heading above. Despite the appellants reluctance to agree to this, I note they have carried this description through to their appeal form. I also note the address in the banner heading relates to both Flat 1 and Flat A and is also detailed within the appeal form.
3. From what I could see at my site visit, works to provide a connecting door between Flat 1 and Flat A was fully complete.
4. A separate application for listed building consent works for the proposal has been approved by the Council.¹

Main Issue

5. The main issue is whether or not the proposal would result in the loss of a residential home within the Borough.

Reasons

6. The appeal site is the Grade II listed 50 General Medical Council (Ref 1229240) erected between 1913 and 1915. Its special interest is derived in part from its architectural execution as a characterful institutional building. Faced in smooth and mellow tones of Portland stone with a dormered mansard slate roof, four storeys high over a basement with recessed square headed main entrance doorway to the right hand side of the building. The fenestration pattern and order is of interest as windows are all timber sliding sash of a Georgian character with glazing bars, and

¹ Application ref 24/02953/LBC

predominantly grouped in threes. The ground floor windows are full height and above these, the grouping of narrow vertical windows appear to vertically elongate the building. Greek architectural influences are incorporated into its fabric with Greek key pattern lintel between the ground and first floor fenestration and column effect to stone mullions as well as other subtle decorative effects all carried through in one monotone colour palette.

7. The appellant has secured a listed building consent for the works. I am satisfied the effect on the special interest of the listed building would be preserved. The appeal site is also located within the Harley Street Conservation Area. As the proposal would have no effect upon the character or appearance of the CA, there is no requirement for me to consider this matter any further.
8. The thrust of the Council's local plan Policy 8 Housing Delivery is to achieve new homes in the Borough over the plan period and to protect existing housing. It is specific in its objective for existing residential units to be protected except where there are limited exceptions, including reconfiguration/redevelopment of supported or affordable housing that serves a need; non-family sized housing is reconfigured into family sized housing.
9. The appellant owns both Flat 1, their residential home, and Flat A. Flat 1 extends over both the ground floor and lower ground floor of the building. The two internal floors are connected via a curved staircase adjacent to the internal main entrance. Three bedrooms are located on the lower ground floor and a smaller bedroom on the ground floor. Its front entrance is accessed from the main communal hallway into the building.
10. Flat A is located on the lower ground floor of the building. In order to access the front door of Flat A, a flight of stairs can be descended from the back of the communal entrance hall leading to a communal area on the lower ground floor. A small passenger lift for the building is also located under the stairs. This flat is considerably smaller in size to Flat 1 and is laid out as a combined kitchen/living space, separate bathroom and single bedroom located behind sliding glazed doors.
11. I read from the evidence that the appellants have mobility issues, and they consider the staircase is difficult and dangerous for them. A personal permission is sought by the appellants who are wanting to future-proof their home for their long term occupation. They want to be able to access the building's lift via Flat A in order to allow ease of movement to the reception area and the ground floor.
12. I could see from inspection that due to the close relationship between Flat 1 and Flat A and position of the communal lift, Flat 1 can facilitate this connection. They also inform me that should a live-in carer be required to support them living in their home, a carer could live independently within Flat A whilst providing the care the appellants would require.
13. A thumb turn privacy lock has been installed to the connecting door between Flat 1 and Flat A to allow each flat to be locked independently from one another. If the door is locked from the inside of Flat A, the appellants could not access Flat A from their own Flat 1, and vice versa. There is no separate key for this style of lock and there is no other option to unlock the door to gain access between the flats. This therefore seriously restricts their functional potential for Flat A to be used as a go-between for their circumstances, especially if a carer is living in Flat A at the same time as the appellants desire access to the communal lift.

14. The appellants explain the potential for Flat A to be occupied by a live-in carer in their own self-contained living quarters, close at hand. The occupant's own privacy would be severely compromised by this arrangement through the comings and goings of the occupants of Flat 1 through their habitable space to gain access to the lift. This is a small one bedroom flat with combined rooms. The glazed screen wall to the bedroom further reduces privacy levels. Even if a platform stairlift around the communal stairs could have been an option to explore, it would not negate the appellants need for access through Flat A to ascend to the ground floor and reception area. The separate doorbells to both flats remain as is and they are serviced by their own council tax and utility bills as two separate entities. Be that as it may, the proposal would not 'operate separately from one another' because of the access arrangements and reduced living conditions that would ensue. It would therefore reduce its function to operate separately and therefore equate to the loss of a residential unit within the Borough to the detriment of safeguarding its housing stock.
15. The appellants explain they have 'physical mobility issues' and awaiting surgery to improve their mobility. There are no precise details of their health conditions for me to take into account as part of my assessment.
16. I understand the sensitivity of the building as it is Grade II listed. The works to provide the connecting door has been permitted by the Council through a listed building consent. Be that as it may, it is a separate form of consent and does not lead to the assumption that where other planning permission is required, is therefore acceptable.
17. A personal permission by way of a planning condition, and another to reinstate the doorway upon the sale of one or both of the flats has been sought by the appellants. This would still result in the loss of a residential unit where it could occur for a considerable length of time. I am not persuaded there is a compelling reason to justify the loss. In light of paragraph 57 of the National Planning Policy Framework I am not of the view that conditions are appropriate to meet its stringent 'six tests'.
18. The appellant points to a separate judgement affecting the London Borough of Lambeth and their housing delivery. This is a different Borough to the appeal site and centred around an enforcement case for the conversion of two flats into a single dwelling. It is not precisely the same circumstances as the appeal before me. Therefore, I cannot compare the two and in any case, each decision is made on its own individual merits. My attention is also drawn to a separate appeal decision in Westminster² to amalgamate two residential units into one. I have read that this is largely based on the appellant's personal health circumstances and religious beliefs to which the Inspector considered the Public Sector Equality Duty as part of the Equality Act 2010. I am not convinced the same circumstances apply to the case before me.
19. To conclude, I have come to my own view that should this proposal succeed, Flat A could not function as a separate independent unit. Safeguarding the Council's housing stock is a primary objective to them, even if their 5 year housing land supply is evidenced to be healthy. The proposal before me is not sufficient justification to support the loss of a single unit. On this basis it would conflict with

² Appeal ref APP/X5990/W/17/3180646

Policy 8(C) of the City Plan 2019 - 2040 (April 2021), which seeks to optimise housing delivery.

Other Matters

20. The proposal raises no noise impacts and the effect upon the heritage assets of the CA and listed building are preserved. It is located close to amenities and public services and there are no highway or fire safety issues I have read. Irrespective of this, these are neutral in the overall scheme of things.
21. Any concerns raised pertaining to their experience regarding the Council's service should be addressed to them in the first instance.

Conclusion

22. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR