



Appeal Decision

Site visit made on 5 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2025

Appeal Ref: APP/X5990/W/24/3356280

55 Belgrave Gardens, London NW8 0RE

- 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 Vladimir Cara against the decision of City of Westminster Council.
 - The application Ref is 24/01010/FULL.
 - The development proposed is described as being the demolition of existing family dwelling and construction of 3 storey house and basement.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the occupiers of Pamela Hay House (No. 49 Belgrave Gardens) with regards to outlook.

Reasons

3. The proposed development would involve the demolition of the existing dwelling and the erection of a replacement three storey home. A previous application was dismissed at appeal¹ on the basis that it would result in harm to the outlook of the occupiers of several flats that form Pamela Hay House (PHH).
4. The proposal before me differs from the previous scheme in that the overall height of the building would be very slightly lower, the upper floor would be set further back from the boundary with PHH, and the north east elevation would be shorter. As part of their appeal statement, the appellant has produced a series of computer generated images (CGI) that seek to show how the replacement dwelling would be perceived from the rear windows of PHH.
5. I acknowledge that the existing dwelling already provides a sense of enclosure for those residents to some extent, and that the proposed building would be set slightly further back from the shared boundary with PHH. However, the CGI images only show the views from a single narrow perspective rather than the wider vista that would be available from residents viewing the proposed dwelling from their rear windows.
6. It is clear from the approved plans that the proposed building would have significantly greater height and mass than the existing dwelling. Indeed, at roof level the new dwelling would be much more imposing given that the existing home has a pitched roof. Despite the changes that have been made to the previous

¹ Appeal Ref: APP/X5990/W/22/3312844

scheme which do reduce the impact of the proposed building to some extent, I do not believe that these are significant enough to alter the fact that the replacement dwelling would make the residents of the lower ground floor and ground floor flats of PHH feel much more enclosed than they do at present. This would still result in significant harm despite the fact that the primary living areas face away from No. 55 onto Belgrave Gardens.

7. As a result, I conclude that the proposed development would harm the living conditions of neighbouring occupiers, and that it would therefore conflict with the relevant aspects of Policies 7 and 38 of the City Plan 2019 – 2040 (April 2021) which seek to preserve living conditions.

Other Matters

8. The appeal site is located within the St John's Wood Conservation Area. In this instance, the Council is satisfied that the proposed development would preserve or enhance the character or appearance of the Conservation Area. Given the location and design of the proposed building, and the character of the surrounding area, I have no reason to disagree with this assessment. The proposal would therefore preserve the significance of this designated heritage asset and would satisfy the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

9. The proposed development conflicts with the development plan when considered as a whole. The proposal would make efficient use of land and enhance the living conditions of the occupiers of No. 55. I afford moderate weight to these considerations. However, they do not outweigh the identified harm to living conditions which would be significant and enduring.
10. The appeal is therefore dismissed.

C Butcher

INSPECTOR