



Appeal Decision

Site visit made on 8 April 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/X5990/W/24/3357238

Flat C, 30 Devonshire Place, London W1G 6JH

- 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 John Rochman against the decision of City of Westminster Council.
 - The application Ref is 24/03508/FULL.
 - The development proposed was originally described as internal and external alterations in connection with the erection of a Juliet balcony to the rear of the ground floor level flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal premises is part of a grade II listed building known as 27-31 Devonshire Place and is located within the Harley Street Conservation Area (HSCA). The Council have granted listed building consent (Ref: 24/03509/LBC) for the works described above. Nonetheless, as the scheme relates to a listed building in a conservation area, I also have a statutory duty to consider these matters in this appeal. As such, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 30A Devonshire Place with particular reference to overlooking.

Reasons

4. The existing window, subject of this appeal, serves the kitchen and dining area of the flat. Views out of it look down onto the courtyard and toward the bedroom windows of the flat below, known as 30A Devonshire Place. Although blinds were partially down in the flat, where they weren't down, I was able to see clearly and directly into the room from the existing window due to the angle of view and the close distance.
5. Given the size and nature of the proposed opening and the inclusion of a Juliet balcony, occupants would likely enjoy periods of a more prolonged outlook when compared with the existing more conventional window. In combination with the close proximity and elevated position this would result in a high degree of invasiveness. The resultant overlooking would cause a significant loss of privacy, both in actual and perceived terms.

6. This level of overlooking would be greater than the existing window and more than the relationship from the flat above the appeal property, which has a large opening and short balcony due to the angle of view into the bedroom. As such, the level of overlooking from other existing windows in the building does not alter or outweigh my findings of harm in this instance from the scheme before me.
7. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of 30A Devonshire Place with particular reference to overlooking. As such, the proposal would conflict with the requirements of Policies 7 and 38(C) of the City Plan 2019 - 2040 (2021). These say, amongst other things, that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.
8. The appellant has made changes to the original scheme with a view to finding a solution. However, that is not a matter for my consideration, and I have determined the appeal on the plans before the Council when it made its determination and on its own merits.
9. In so far as it relates to this appeal, the significance of the listed building is largely derived from its architectural, historic and aesthetic value as a Georgian terraced town house and the general uniformity of the terrace of which it forms a part. These values of the appeal building also contribute positively to the character and appearance of the HSCA as a whole, and thereby to its significance as a designated heritage asset.
10. There is a clear distinction between the front and rear facades of the listed building, which reflects the difference in their status. The form and appearance of the Juliet balcony and large opening would not appear incongruous on this rear façade, reflecting the pattern of the railings above and the overall rhythm of the fenestration pattern.
11. Moreover, bearing in mind the extent, nature and location of the proposed development, the character and appearance of the HSCA as a whole would be preserved. I note the Council has not objected to the proposal in relation to these aspects either. The absence of harm in relation to these, or other considerations, does not alter or outweigh my findings of harm in relation to the main issue.
12. In conclusion, the material considerations do not indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is dismissed.

Mr R Walker

INSPECTOR