



Appeal Decision

Site visit made on 9 April 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/X5990/W/24/3356660

10 Greycoat Place, Westminster, London SW1P 1SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Victoria Spaces UK Ltd against City of Westminster Council.
 - The application Ref is 24/05132/full.
 - The development proposed is use of part of the seventh floor roof as a terrace and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for use of part of the seventh floor roof as a terrace and associated works at 10 Greycoat Place, Westminster, London SW1P 1SB in accordance with the application Ref 24/05132/full and subject to the conditions in the attached schedule.

Preliminary Matters

2. This appeal results from the Council's failure to determine the application within the prescribed period. As such, there is no formal decision on the application as jurisdiction over that was taken away when the appeal was lodged. The Council has provided a committee report confirming that it would have granted consent for the application if it had been empowered to do so. I have had regard to this report and the representations made to the proposal in forming my view of the main issue in the appeal.
3. I have been referred to several nearby listed buildings and as such I have also had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties in Artillery Mansions with particular reference to outlook, overlooking, noise and disturbance.

Reasons

5. The appeal building is located within a busy vibrant area that includes a mix of commercial and residential activities. To the rear of the appeal building lies a series of flats within a building known as Artillery Mansions. The upper floor flats face toward the roof of the appeal property.
6. The proposed roof terrace would be positioned on the southern side of the roof such that it would be set well away from the flats at Artillery Mansions. Considering the distances to these flats, and the height of the additional infrastructure

proposed, such as the lift, acoustic privacy screening and the access door and their location on the roof, I am satisfied that the proposal, whilst visible, would not cause an unacceptable degree of intrusion or appear overtly dominant from these flats.

7. Moreover, with the roof terrace on the southern side of the roof enjoying an outlook away from the flats and considering the use of a 2m privacy screen restricting views towards Artillery Mansions there would be no unacceptable overlooking.
8. The appellant submitted a Noise Assessment that included both predictions and the results of an exercise where speakers played people talking from the terraces and the sounds were then evaluated from Artillery Mansions. Both tests were based on a level of 75 dB(A), which would be representative of the level of noise generated by around 50-60 people. I have no reason to dispute the accuracy or findings of the Noise Assessment or its conclusions in relation to the level of noise relative to the background and ambient noise around the site.
9. Noise would vary depending on the number of individuals, in combination with the numbers on the other existing terraces, as well as the nature of individuals. However, the proposed roof terrace would be limited to 20 people, would be used between 08.30 and 18.30 on Mondays to Fridays and restrictions are proposed that would preclude amplified music or sounds. Even in combination with the other two roof terraces, with these restrictions and the proposed Terrace Management Plan in place, which could be secured by way of conditions, noise from the use of the terrace would not be of a level that would cause unacceptable effects on the living conditions of the occupiers of the nearby flats.
10. I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties in Artillery Mansions with particular reference to outlook, overlooking, noise and disturbance. As such, I find no conflict with the requirements of Policies 7 or 33 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.

Other Matters

11. The appeal site is near several listed buildings, including the Westminster Fire Station (Grade II), the Artillery House (Grade II), Westminster Palace Gardens (Grade II), the Greycoat Hospital School (Grade II), the Church of St Stephen (Grade II*) and the Westminster College (Grade II*). In so far as it relates to this appeal, the significance of the listed buildings is derived from their respective historical and architectural interests, including their use, age, form, and fabric. The location of the roof terrace on the building, along with its modest size is such that the proposal would not harm the experience of these listed buildings and would not harm their setting and thus their significance as designated heritage assets.
12. There is no substantive evidence that the proposal would result in overshadowing or loss of natural light. Considering the distances to properties and height of the proposal on the roof, I am satisfied that there would not be harm to the living conditions of nearby flats in Artillery Mansions in this regard. Nor, given its scale and the times of use would it generate significant levels of artificial light. Moreover,

the distance to other residential properties leads me to conclude that there would not be unacceptable harm to the living conditions of occupiers from the proposal.

13. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. Given my findings on the main issue, whether there is an essential need for the proposal, or the availability of alternative outside amenity space, are not determinative matters in this case.

Conditions

14. I have considered the conditions put forward by the Council considering the requirements of the national Planning Practice Guidance and the National Planning Policy Framework. Where necessary, and in the interests of brevity, clarity and precision, I have altered the Council's suggested conditions to better reflect the relevant guidance. In addition to the standard timescale condition (1), I have imposed a condition (2) specifying the relevant drawings and plans as this provides certainty.
15. Conditions relating to hours of construction (3), the times for the use of the terrace (8), restrictions on amplified sounds (9), the management of the terrace (10), and the capacity of the terrace (11) are necessary in the interests of residential amenity. Conditions relating to the materials, detailed specifications and design (4, 5 and 6) are necessary in the interests of the appearance of the scheme. I do not consider it necessary to specifically require details of planting facing Greycoat Place considering the distance to properties in this direction. However, a condition relating to the details of landscaping (12) is necessary in the interests of the visual appearance of the scheme. As is a condition (7), restricting additional items that can be installed on the roof terrace.

Conclusion

16. For the reasons set out above, the appeal is allowed and planning permission is granted.

Mr R Walker

INSPECTOR

Schedule of 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: Drawing Number: 1905-SPP-DR-A-PL-E-00-XX-01-01 Rev. P01; 1905-SPP-01-DR-A-GC-E-20-07-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-E-20-0R-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-E-25-XX-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-E-25-XX-01-02 Rev. P02; 1905-SPP-01-DR-A-GC-E-25-XX-01-03 Rev. P02; 1905-SPP-01-DR-A-GC-E-25-XX-01-04 Rev. P02; 1905-SPP-01-DR-A-GC-E-26-XX-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-E-26-XX-01-02 Rev. P02; 1905-SPP-01-DR-A-GC-P-20-07-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-P-20-0R-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-P-25-XX-01-01 Rev. P02; 1905-SPP-01-DR-A-GC-

P-25-XX-01-02 Rev. P02; 1905-SPP-01-DR-A-GC-P-25-XX-01-03 Rev. P02; 1905-SPP-01-DR-A-GC-P-25-XX-01-04 Rev. P02; 1905-SPP-01-DR-A-GC-P-26-XX-01-01 Rev. P02; and 1905-SPP-01-DR-A-GC-P-26-XX-01-02 Rev. P02.

- 3) Building work which can be heard at the boundary of the site shall be carried out:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.
- 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings approved or are required by conditions to this permission.
- 5) Works to the accessible lift enclosure, acoustic privacy screen and balustrade to the roof terrace shall not commence until detailed drawings (plans, sections and elevations) of these elements have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to their installation the details of the facing materials for that part of the development shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed or placed on the roof terrace hereby permitted other than that approved.
- 8) Other than to escape in an emergency or for access for maintenance purposes, the use of the roof terrace hereby permitted shall only take place in connection with the office use and between the hours of 0830 to 1830 Monday to Friday only, and not at all on Saturday, Sunday and Bank Holidays.
- 9) No amplified music or sound shall be played at any time on the roof terrace hereby permitted.
- 10) The roof terrace hereby permitted shall not be used for events and shall be managed in accordance with the 'Terrace Management Plan' dated 24 May 2024.
- 11) The number of people using the roof terrace hereby permitted at any one time must not exceed 20 persons.
- 12) Prior to the commencement of the use of the roof terrace, detailed drawings and a management plan for the planting to the terrace area and brown roof shall be submitted to and approved in writing by the local planning authority. This shall include construction method, layout, species, implementation, maintenance and watering regime. The development shall be carried out in accordance with the approved details and thereafter maintained in accordance with the approved management plan.

End of schedule