



Appeal Decision

Site visit made on 5 June 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/X5990/W/25/3362123

Second Floor Flat 23 Bradiston Road, City of Westminster, London W9 3HN

- 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 Alice Gilbert against the decision of the Council of the City of Westminster.
 - The application Ref is 24/05647/FULL.
 - The development proposed is formation of new roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupiers within Nos 21 and 25 Bradiston Road, with particular reference to their privacy.

Reasons

3. The appeal site lies within an area characterised by terraced rows of residential properties. Many of these properties, including 23 Bradiston Road (No 23), are served by three-storey rear projections with flat roofs. During my visit, I noted that a property on the corner of Saltram Crescent and Denholme Road has a defined roof terrace atop of its three-storey rear projection, however, such terraces are not prevalent in the area.
4. The residential properties within 21 and 25 Bradiston Road (No 21 and No 25) that adjoin the appeal site are served by rear elevation windows across multiple floors. This includes windows set at approximately the same level as the proposed roof terrace and, together with the proposal's layout, this means that the proposed roof terrace would come to within very close proximity of the nearest adjacent windows within both No 21 and No 25.
5. From these windows, the proposed terrace, and its users, would appear uncomfortably close, creating an intrusive sense of intimacy. The affected occupiers of Nos 21 and 25 would feel that their properties were less private as a result.
6. During my site visit, reflections on the glazing of the nearest windows obscured my views into Nos 21 and 25 from the rooftop where the terrace is proposed. However, my observations represent only a snapshot in time. At different times of day, in different weather conditions or when room lights were on, I envisage that clearer views into these adjacent properties would be available. Moreover, there may well be times when the window at No 21 in particular would be open, negating

the effects of any glazing reflectivity. Such views, at such proximity, would be harmfully invasive for the occupiers of the properties within Nos 21 and 25 as those occupiers spend time within, and move between, the affected rooms and spaces.

7. Furthermore, in the case of No 21, the proposed terrace would provide for a view downwards and towards a first-floor rear elevation window. Users of that room, whilst at the kitchen sink for example, would also be overlooked and experience a reduction in privacy.
8. A planter is proposed. However, the plans show that it would be sited on only one side of the roof terrace, neither would it have the depth of the terrace. Consequently, the proposed planter would not provide an effective screen, and, in turn, it would not sufficiently mitigate the privacy infringements I have described. No other effective or acceptable means of design mitigation has been suggested to me by the appellant either.
9. For these reasons, and even though I have no reason to dispute the appellant's assertions that they would use the proposed terrace in a neighbourly manner, the proposal would, nevertheless, result in occupiers within Nos 21 and 25 having their privacy unduly infringed upon. Unacceptably harmful effects upon their living conditions would, therefore, result. Consequently, the proposed development conflicts with Policies 7, 33 and 38 of the City of Westminster City Plan 2019 – 2040. In summary, and amongst other matters, these Policies seek to ensure that development proposals protect amenity, including in relation to privacy and overlooking, and promote health and wellbeing through design.

Other Matters

10. The proposal would provide the flat the subject of the appeal with a dedicated external amenity space. However, in my main issue, I identified the harmful effects which would be wrought by it upon the living conditions of neighbouring occupiers. The benefit of the proposed roof terrace amenity space to the occupiers of the flat it would serve would not be sufficient to justify, or outweigh, those harmful effects.
11. Given the distances and viewing angles involved to other neighbouring properties, the harmful effects upon living conditions I have identified would not be replicated upon other occupants in the area. Furthermore, it may be, in respect of a range of other planning considerations, that the proposed development would not result in harmful effects. This may include its effects upon the character and appearance of the area. However, an absence of harm in relation to such matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified.

Conclusion

12. The proposal conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR