
Appeal Decision

Site visit made on 17 June 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/X5990/D/25/3362106

53 Lancaster Mews, City of Westminster, London, W2 3QQ

- 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 Simon Hutton against the decision of City of Westminster Council.
 - The application Ref is 24/08416/FULL.
 - The development proposed is retention of existing decking at roof level and erection of glazing screen on party wall.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Decking at roof level has been constructed and appears to be in accordance with the plans before me. I have therefore considered the appeal on the basis that this part of the development has already taken place. No glazed screen had been erected at the time of my visit, however.
4. The actual postal address of the neighbouring property to the rear of the appeal site is unclear. The Council has referred to this property as 56 Lancaster Mews, whereas the appellant has referred to it as 56a Lancaster Mews. For the purpose of this recommendation, I will refer to this property as 56a Lancaster Mews.

Main Issues

5. The main issues are the effect of the development as a whole on the character and appearance of the area, including the Bayswater Conservation Area; and on the living conditions of the occupants of neighbouring properties, with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

6. The appeal site is a mid-terraced property located in Lancaster Mews. The property, referred to by the Council as locally listed, is part of the Bayswater Conservation Area. It makes a positive contribution to this area through its

consistency in design with the other terraced properties of the Mews. Properties have some degree of individual distinction provided by their contrasting colours, with the appeal site featuring brown brickwork and a timber front door, garage and window frames. On the whole, however, their design is largely consistent, particularly in regard to height and massing, and this contributes to a strong sense of place.

7. At several of the properties in Lancaster Mews, terraced areas have been installed either at loft or roof level. Whilst many of these other terraces can be seen from road level, the area of roof level decking at the appeal site is obscured from view from street level as a result of its location to the rear of the property. Although it is different in how it is situated between the rear pitched roof and the party wall, the decking is no more elevated than some of the other roof terraces in the Mews. As such, the decking can be seen at roof level and from the taller buildings surrounding the Mews but in the same wider view as these other terraces.
8. With regard to materials, the appearance of timber decking in this location is not inappropriate, given the timber features of the main building and the decking area of No 56a which, although less visible, is also constructed from timber. Therefore, the decking has an acceptable effect on the appearance of the rear of the appeal property and is in keeping with local development.
9. The proposed glazed glass privacy screen at the appeal site would be installed in the existing gap of the party wall shared with No 56a. As this party wall cannot be seen from road level, I am satisfied that the glass screen would also not be visible from the ground. In any event, at roof level, glass is not an uncommon material, with glass lantern skylights on some other properties and two large glass dormer windows on the appeal site all visible from roof level. As such, when seen from neighbouring properties, the sight of the proposed glass screen at roof level would not be out of character in this area. For these reasons, the privacy screen would not harm the character and appearance of the building, the terraced row of which it is a part, or the Bayswater Conservation Area.
10. Consequently, the development as a whole would preserve the character and appearance of the area and the Bayswater Conservation Area. It therefore accords with Policies 38, 39 and 40 of the City Plan 2019-2040 (adopted 2021) which, amongst other things, expect development to respect and positively contribute to local character and the historic environment.

Living conditions

11. The appellant advises that, even before the construction of the decking, the roof of the appeal property was regularly accessed for maintenance purposes. Although it would have been possible to see into some of the private spaces of neighbouring properties from the roof, the time spent on the roof would likely have been only short durations. As such, the overlooking of neighbours prior to the construction of the decking would have been limited.
12. The decking is in a considerably elevated position relative to No 56a, and I saw that there were direct views down from the decking through the existing gap in the party wall to both the area of outdoor seating and the indoor living spaces of No 56a. Use of the decking as a sitting out area for the occupants of the appeal property would increase the frequency and duration of people using this space compared to maintenance access. People using the decking are likely to be visible and audible

from the decking and outdoor seating of No 56a, whether they are sat or stood. Consequently, there would be a significant and harmful increase in actual and perceived overlooking of what would otherwise be largely private spaces, to the detriment of the living conditions of the occupants of No 56a.

13. The height of the proposed glazed privacy screening would be sufficient to block these views for people seated on the decking, however, it would not be high enough to prevent overlooking from anyone stood on it. For this reason, the privacy screening proposed would not satisfactorily mitigate the harm to the privacy of the occupants of No 56a.
14. The appellant suggests that either the height of the privacy screening could be increased, or that planters could be attached to the party wall with plants or small evergreen shrubs, with these changes secured by condition. However, I have not been presented with details of these alternative proposals. Taller privacy screening could have an impact on the character and appearance of the area and the outlook from No 56a, whilst planters with plants or shrubs could have an impact on light to, and outlook from, the living spaces of No 56a. I therefore cannot be certain that an acceptable design could be achieved. Furthermore, securing such amendments by condition would deprive interested parties of the ability to comment on the changes. Therefore, neither alternative can reasonably be conditioned as part of this appeal.
15. Turning to other neighbouring properties, I am satisfied that the decking does not afford any harmful overlooking of No 51. From the decking, only part of the upper wall of the terrace of No 51 can be seen, from a significant distance, and there are no views into the terrace itself. Consequently, use of the decking as a seating area would not impact the enjoyment of this space for the occupants of No 51. I am also satisfied that while the rooflights of No 54 are visible, it is not possible to see down into the living spaces from the decking, so there would be no harmful impact on privacy to the occupiers of that property.
16. The roof terrace area of No 52 can however be seen into from the decking, even without the need to walk on the roof right up to the party wall shared with this neighbouring property. Although small fencing in this line of sight somewhat obscures views, these views are still significant enough, due to the elevated position of the decking in relation to No 52 and the likely longer duration of its use, to detrimentally impact the occupiers' privacy when using this space.
17. The appellant has suggested that a modest screen along the party wall shared with No 52 could be conditioned, however I have not been provided with details of this. It is unclear whether agreement would be given to build on the party wall, what such a screen would look like, how tall it would need to be, or the consequent impacts on the outlook from the terrace of No 52. Therefore, it would not be reasonable to secure an additional screen by condition. Consequently, the use of the decking as a sitting out area would result in a harmful loss of privacy of the occupants of No 52, to the detriment of their living conditions.
18. Accordingly, while I have found that the development as a whole would not harm the living conditions of the occupants of Nos 51 and 54, it would harm the living conditions of the occupants of 52 and 56a Lancaster Mews in respect of privacy. It therefore fails to accord with Policies 7 and 33 of the City Plan 2019-2040 and its expectation that development avoid unacceptable impacts on the amenity of neighbouring properties.

Other Matters

19. I have noted the appellant's comments on how the section of party wall came to be removed. However, this relates to a civil matter between the relevant parties, and party walls are subject to separate legislation. As such, this is not a matter for me to consider as part of this appeal.
20. Although the appellant has stated that the decking provides safe access to the roof for maintenance, it has not been demonstrated that the roof as constructed does not provide for maintenance to be conducted safely. If maintenance cannot be conducted safely on the roof, it is open for the appellant to make a further application for surfacing that would not have the harmful impacts associated with the sitting out area under assessment in this appeal.

Conclusion and Recommendation

21. While I have not found harm to the character and appearance of the area and the Bayswater Conservation Area or to the living conditions of some neighbours, this does not outweigh the harm that the development would cause to the living conditions of the occupants of Nos 52 and 56a and the resulting conflict with the development plan. There are no material considerations that justify a decision otherwise than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR