
Appeal Decision

Hearing held on 12 May 2026

Site visit made on 12 May 2026

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/X5990/W/25/3376502

93-99 Queensway, London, W2 4QG

- 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 Merme Ventures 4 Limited against the decision of City of Westminster Council.
 - The application Ref is 24/08764/FULL.
 - The development proposed is 2 storey roof extension; rear courtyard mews house; change of use from bank (Class E(c)(i)) to residential at first floor level to provide 8 new residential dwellings (Class C3), provision of terraces, cycle parking and landscaping, and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision on the appeal proposal, it has adopted the Westminster City Plan 2019-2040 (City Plan). The City Plan is a partial review of the previously adopted plan, and aside from their numbering, the policies referred to in the Council's decision notice remain largely unchanged, with only minor revisions to text. All references to City Plan policies in this decision use the numbering in the 2026 version.
3. Revised versions of the Environment Supplementary Planning Document (SPD) and the Planning Obligations and Affordable Housing SPD (AH SPD) have also been issued since the Council's decision was made. All parties have had the opportunity to comment on any implications arising from the updated guidance during the course of the appeal.
4. Following the Council's decision, the appellant has provided additional information relating to privacy, noise, vibration and odour (reasons for refusal 2, 4, 5 and 6). The Council now considers that, subject to conditions, reasons 4, 5 and 6 can be overcome, along with the noise and vibration issues referred to in reason 2. Having read the submitted information and suggested conditions, I agree with this conclusion, so these matters do not form main issues in this appeal.
5. The scheme makes no provision for affordable housing, and the appellant maintains that it cannot viably do so. The failure to provide affordable housing was not included in the reasons for refusal, but since making its decision, the Council has concluded that the scheme triggers a requirement for affordable housing under City Plan Policy 13. The appellant has provided viability evidence as part of the appeal, which the Council has had the opportunity to review. There is still

disagreement on this matter, so I have included affordable housing provision as a main issue in this appeal.

Main Issues

6. The main issues are:

- whether the proposed Mews House would provide acceptable living conditions for future occupiers, having regard to outlook and privacy,
- the effect on the living conditions of existing occupiers of Flat 1 Dukes Court and the ground floor flat at Alexandra Court, with regard to outlook,
- whether the proposal meets policy requirements for affordable housing, and
- the effect of proposed servicing arrangements on the safety of highway and other public realm users.

Reasons

7. The appeal site comprises an existing building with frontages onto Queensway and Moscow Road, together with a car park/servicing area to the rear. The building has four storeys and a basement, and contains a mix of residential units and commercial uses, including the Bayswater Arms pub.
8. The proposed development involves reconfiguring part of the existing building to provide additional residential units. There would be some loss of commercial floorspace, but retail units would be retained on the ground floor, along with the existing pub, maintaining an active street frontage. A two-storey upward extension would be added, together with a new residential core with lift shaft and stairwell. Seven new residential apartments would be provided within the extended building, and a new 3-bedroomed Mews House constructed within the car park/servicing area.

Living conditions - future occupiers of the Mews House

9. The site of the proposed Mews House is enclosed by the appeal building on two sides, and shares boundaries with the adjacent Bayswater underground station and Alexandra Court. At the time of my visit, the space was being used for parking and the storage of bins and various items of furniture, materials and equipment. Surrounded by the rear facades of the surrounding, mostly modern buildings, with associated plant and equipment, the space is not welcoming or attractive.
10. The Mews House has been carefully designed to respond to the constraints of the surrounding environment, but the space available is small, and the new building would be very close to, and significantly enclosed by, existing buildings and walls. The proposed addition of two further storeys onto the appeal building, along with the new residential core, would further enclose the space.
11. The appellant explained at the hearing that the intention was to create a really special house, with high quality materials and fixtures throughout. The amount of internal and external space would comfortably meet policy requirements, and the immediately surrounding area would be enhanced with a new landscaped courtyard, improvements to facades and rationalisation of plant. However, whilst there is the potential to significantly improve the area, it would be beyond the

appellant's control to enhance all of the surrounding buildings and features, some of which are not particularly attractive.

12. I acknowledge that many existing mews houses in this area are highly sought after, even where they are close to existing buildings and single aspect, and that their sense of enclosure and privacy can be seen as positive features. However, the appeal scheme would not have the benefits associated with conversion of a historic building, which is the origin of many mews properties in this area. Rather, it would be a cramped form of development in a backland site, and the proximity to existing walls and tall buildings could feel oppressive rather than protective.
13. The benefits of dual aspect dwellings are well documented. Policy D6 of the London Plan 2021 says that single aspect dwellings should normally avoided, and the supporting text notes that this is particularly the case in properties with three or more bedrooms. Policy D6 does provide scope for flexibility, and the need for a flexible approach is reinforced through the Government and Mayor of London's package of support for housebuilding (London Plan Guidance, March 2026). However, the quantitative need for additional homes does not outweigh the need for new accommodation to be comfortable and adaptable.
14. For reasons of privacy, the only windows proposed on the north side of the new Mews House would be a small roof light and high level windows adjacent to the front entrance. As there would be no windows on the east or west elevations either, the house would effectively be single aspect. Generous sized windows would be provided on the south side of the building, but these would be the only windows on the upper floor, which would form the main living space. The lack of first floor windows on three sides of the building would limit opportunities to adapt the space in future.
15. The submitted Daylight and Sunlight report (GIA, February 2025) indicates that the main first floor kitchen/living area would have plenty of natural light, but the three downstairs bedrooms would have little sunlight, and would experience daylight well below the recommended levels set out by the British Research Establishment. This is not surprising, as even though the windows would be south facing, they would be very close to the existing underground station wall. All three of the bedrooms would have the same poor outlook, so there would be no choice of views, and all would have limited natural light.
16. The first floor windows would look out over the sloping glazed roof of the underground station. This outlook would not be particularly attractive either, but would at least be reasonably bright and open, affording views of the sky. From the roof terrace, there would be more extensive views, across the top of the station roof and beyond. This would help to compensate for the poor outlook from the internal windows, but use of the terrace is likely to be weather dependant.
17. The appellant has provided an Energy and Sustainability Strategy (Cundall, December 2024), which includes an overheating risk assessment. This indicates that overheating would be avoided under most circumstances through a combination of natural and mechanical ventilation. However, as the only first floor windows would be on the south side of the building, additional measures would be needed to restrict solar gain in extreme weather conditions. The need for blinds or shutters to keep out the sun would further restrict outlook from the main living space.

18. The Council has also raised concerns relating to privacy. Access to the site is currently restricted by the locked gate, and this would continue to be the case, but the external courtyard would be shared with other residents of Dukes Court, who would need to pass through it to access their flats via the proposed new core. There may also be activity associated with the surrounding commercial uses, in particular the pub. However, the proposed Mews House, including the roof terrace, would face away from this. Occupiers of the Mews House would be unlikely to be significantly disturbed by movements and activity in the courtyard area.
19. In terms of privacy, the Mews House would provide acceptable living conditions. However, this does not overcome the deficiencies in terms of outlook and sense of enclosure, or the disadvantages associated with its single aspect form. For these reasons, the proposed Mews House would fail to provide acceptable living conditions for future occupiers. The proposal would therefore conflict with the requirements for a high quality living environment in City Plan Policy 16 and London Plan Policy D6, and with the need for a good standard of amenity for future occupiers in City Plan Policy 42C.

Existing occupiers of neighbouring properties

20. The two, large bedroom windows of Flat 1 Dukes Court face towards the car park/service area. These first floor windows have an existing outlook over the underground station roof, to the buildings beyond. Following construction of the proposed Mews House, this open outlook would be replaced by a solid brick wall around 4.1m away from the window of one of the bedrooms (identified as bedroom 2 on the appellant's illustrative plans). From bedroom 1, the new Mews House would be clearly visible in the foreground, but it would be possible to see past it, and the existing open aspect would be largely retained.
21. There is no right to a private view, and from bedroom 2 of Flat 1 Dukes Court it would still be possible to see the sky above the new building. The room would still receive adequate levels of sunlight and daylight, but the proximity of the proposed Mews House wall would introduce a sense of enclosure which does not currently exist, and would significantly detract from the outlook from bedroom 2. Whilst the effect would be largely limited to one room, this would nonetheless result in a harmful change to the living conditions of occupiers of this modest sized apartment.
22. The north-western corner of the proposed Mews House would sit alongside the stepped rear wall of Alexandra Court. The result would be to reduce the light, and increase the sense of enclosure, into rooms served by the narrow windows on the two walls closest to Flat 1 Dukes Court. The appellant has discounted the effect on the kitchen window of the ground floor flat on Alexandra Court owing to the small size of the room, but the development would further reduce light levels into a space which will already experience shadowing from existing built form.
23. The new west facing elevation of the Mews House would be perpendicular to the larger, south facing windows serving the Alexandra Court ground floor flat. There is already a wall in this position, but the development would increase the height of the adjacent built form significantly. The height and proximity of the new wall would result in an increased sense of enclosure, but the south facing window would retain an open outlook when looking directly ahead or to the west, and the habitable room it serves would retain adequate levels of daylight and sunlight.

Overall, the proposal would detract from the living conditions of existing occupiers of the ground floor flat, but the extent of harm would be small.

24. Neighbouring occupiers have raised additional concerns, including the loss of windows to communal hallways following construction of the new residential core. These concerns are noted, but there would also be benefits for existing residents, including a new internal, means of escape in case of a fire, and enhancements to the appearance of the courtyard area. These benefits would help to offset the harms resulting from loss of windows. If the development was otherwise acceptable, concerns relating to noise and vibration matters could be satisfactorily addressed through conditions.
25. Overall, with regard to outlook, the proposal would result in a modest amount of harm to the living conditions of existing occupiers of Flat 1 Dukes Court, and minor harm to occupiers of the ground floor flat in Alexandra Court. As such, the proposal would fail to protect the amenity of existing occupiers, as required by City Plan Policies 7 and 42C.

Affordable housing

26. The recently adopted City Plan says that Westminster is the second most expensive local authority in the country in which to rent or own a home, with average house prices and rental levels considerably higher than average household incomes. In light of this, and reflecting London Plan Policies H4 and H5, City Plan Policy 13 requires provision for affordable housing on both small sites and major developments.
27. There is no dispute that the total new residential floorspace (including the area to be converted from commercial space) would be over 1000m² gross internal area. Although it would only provide 8 new units, the amount of new residential floorspace means the scheme is defined as major development for the purposes of City Plan Policy 13 and the AH SPD. This means that affordable housing provision should be maximised, with a minimum requirement of 35%.
28. City Plan Policy 13 says that affordable homes should be provided on site, but in this case, the Council has confirmed that a financial contribution towards off-site provision would be acceptable. Given the potential difficulties in securing a registered affordable housing provider on a small scale development such as this, I agree that this approach is reasonable in this instance.
29. Where the full affordable housing requirement is not met, City Plan Policy 13 allows for viability evidence to be considered on a case-by-case basis following the 'Viability Tested Route'. The appellant provided an initial financial viability appraisal (FVA) in December 2025. Following discussions between the appellant's viability consultant (DS2) and the Council's consultant (JJV), a revised version was issued in May 2026. The updated FVA shows a residual land value which is below the agreed nominal benchmark land value of £1, with a deficit of -£10,244. However, having reviewed the FVA, the Council's consultant JJV conclude that the scheme could create a surplus of around £2.5 million, so could viably support a contribution to the Affordable Housing fund.
30. According to the Mayor's Affordable Housing and Viability Supplementary Planning Guidance 2017 (Mayor's SPG), applicants should demonstrate that their proposal is deliverable, and appraisals should not normally indicate that the scheme would

generate a deficit (paragraph 3.10). In this case, despite the deficit, it is clear from the appellant's actions in promoting the scheme (and an alternative should the appeal fail), that they are keen to progress with its delivery. At the hearing, the appellant confirmed that their decisions about deliverability are based on wider considerations, which is unsurprising; the FVA was produced specifically for the purposes of affordable housing policy. Even so, it does raise questions about how realistic the FVA is.

31. The overall approach which has been used in the FVA is consistent with the 'Existing Use Value Plus' approach set out in the viability chapter of the Planning Practice Guidance (PPG), the AH SPD and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance 2017 (Mayor's SPG). The methodology used is appropriate, and most of the inputs and assumptions which underpin the FVA, including gross development value (GDV) and allowance for a developer profit of 17.5%, are broadly agreed by the parties. Whilst noting the caveats and comments made, I have no reason to take a different view in relation to the agreed inputs.
32. The outstanding areas of disagreement relate to construction costs, developer risk and contingencies. The appellant has provided a detailed costs schedule for each element of the scheme, compiled by Gardiner & Theobald (G&T). The cost schedule is based on G&T's experience, including information from other projects of a similar size, specification and nature. Whilst this approach is reasonable, paragraph 3.23 of the Mayor's SPG advises that cost details should demonstrate consistency with comparable sites, and wherever possible should be benchmarked against other similar projects. In this case, little such comparator information has been provided, so it is unclear what or where those projects are. This makes it difficult to verify the suggested costs, or come to a view as to whether they are reasonable here.
33. The Council's viability consultants have reviewed the FVA using a variety of benchmarks, including data from the Building Cost Information Service (BCIS); Spons Architects and Builders Price book; and specific examples from a recent planning application in Widley Road and cost consultant Cove's internal portfolio. When compared against these wide ranging sources, which cover a large number of comparator schemes, JJV and Cove conclude that the costings set out in the FVA are consistently high, even compared with high-end schemes involving leisure facilities, which are not included here.
34. I note the appellant's comments about the limitations of benchmarking, particularly in Central London, but the use of benchmarks (including BCIS data), reflects the approach in the Mayor's SPG, which applies to the whole of London. That said, I also acknowledge the specific circumstances of the site, which is adjacent to a busy street and underground station. These factors have implications for logistics during construction, and require measures to address noise and vibration.
35. The proposed refurbishment and extension of a building with existing uses may not be uncommon, but inserting a new building into a small, constrained space in this location presents a variety of challenges. As well as limited opportunities for storing materials, the lack of space may restrict the number of workers who can operate at any one time, meaning construction work may take longer. The scheme is not straightforward, with significant interventions needed to deliver a relatively small

number of houses. This will inevitably impact on overall costs, and needs to be allowed for in any benchmarking exercise.

36. Recognising the specific site circumstances, including the proximity to the underground station, the Council's viability consultant JJV/Cove have accepted an increased allowance for preliminaries. G&T for the appellant have reduced their allowance for contingency and risk, in response to criticisms of double counting. Following these adjustments, the parties positions are now closer together in relation to preliminaries and risk, but there remain disagreements between them. The appellant maintains that JJV's weekly cost rate for preliminaries is too low, particularly if the £100,000 allowance for scaffolding is excluded from G&T's cost schedule.
37. I recognise that the complexity of the scheme does create uncertainty, and disagreement about likely procurement methods also impacts on calculations of risks and costs. Even so, the Council's consultant has taken account of the specific nature of the scheme, and their approach seems reasonable. In any case, the allowances for preliminaries and risk are expressed as a percentage of construction cost, so even if the Council's allowance are still too low, further adjustments may not make a significant difference to the parties' respective positions, which remain apart to the tune of over £2m.
38. Approximately two thirds of the difference between the parties' positions relates to the measured works base. Both parties have provided comments on the appellant's detailed cost schedule. Aside from the inclusion of £100,000 for scaffolding referred to above, the scope of the items listed seem reasonable, but there is disagreement over cost levels. The Council's consultant considers the majority of costs to be inflated, with duplication in some instances.
39. At the hearing, the Council's viability consultant explained that the proposed Mews House is a basic form of construction, and the upward extension and conversion works are not particularly uncommon forms of development in this area. Benchmark data used for new flats may not have included many examples of upward extensions, but the difference in costs have been factored into the Council's assessment.
40. The appellant asserts that their costs schedule takes account of the full scope and complexity of the scheme; higher costs associated with purchasing small quantities of materials, and reflect costs of other similar projects. However, whilst their costings for materials such as steel and intumescent paint may reflect multiple recent tender returns, without clear evidence to support these claims, this position cannot be fully verified.
41. The appellant has sought to explain the difference in costs, and it may be the case that JJV/Cove have underestimated some of the work involved. For example, the poor condition of the existing windows may mean that painting and decorating costs would be higher than JJV/Cove suggest, and the costs for mechanical, electrical and plumbing fitout may be closer to other schemes when core and circulation areas are taken into account. However, even if some of the Council's costings are low, the viability evidence provided by the appellant is insufficient to explain the significant divergence between the parties' positions.
42. At the hearing, the appellant explained their intention to create a very special living environment, with high quality fittings throughout and decorative external brickwork

on the Mews House. This will inevitably impact on costs. The specification of the scheme is driven by the target sales prices, and the gross development value (GDV) is agreed between the parties. A reduction in GDV would impact on overall viability, but even so the level of specification is a matter of choice for the developer, and in this highly constrained, backland site, there are limits as to the quality of development which can be achieved, as noted in the living conditions section above. The high specification for the Mews House, and the scheme more generally, may explain why some of the costs appear high, but is not a reason to avoid meeting policy requirements for affordable housing.

43. The PPG advises that the weight to be given to a viability assessment is a matter for the decision maker, who should consider whether the assessment and its conclusions are objective, reasonable and realistic. In this case, having considered the written and oral evidence, I am satisfied that the Council's viability consultant has rigorously scrutinised the scheme, as advised by the Mayor's SPG. In the absence of clear evidence regarding the consistency of the appellant's costs with comparable sites, the Council's approach is reasonable and justified. They have made adjustments to reflect the site circumstances, and whilst they may have underestimated some of the costs and complexity of the scheme, JJV/Cove's consistent finding that the costs are well above all benchmarks, even for high-end schemes, raises doubts about how realistic the FVA is. This is a particular concern given the extent of the disagreement between the parties in relation to the overall viability of the scheme.
44. Taking all the above considerations into account, significant doubts remain over the appellant's assertion that the scheme cannot viably provide any affordable housing contribution. On the basis of the viability evidence provided, the scheme does not meet the requirements for affordable housing contained in City Plan Policy 13 and London Plan Policy H4. Given the significant affordable housing need that persists in this area, this is a serious matter.
45. In coming to this view, I am mindful of the wider economic context, reflected in recent measures to boost housebuilding in London (London Plan Guidance 'Support for Housebuilding', March 2026). This time-limited package of measures includes a relaxation in affordable housing thresholds for some schemes, but does not directly apply to the appeal scheme, and does not alter the policy requirements for affordable housing.
46. Where the full affordable housing requirement is not provided in a development following the Viability Tested Route, City Plan Policy 13 and London Plan Policy H5 allow for review mechanisms to capture improvements in viability that may occur during development. To this end, the appellant has provided a signed unilateral undertaking (UU) that provides for an early and late stage viability review, based on appropriate trigger points. Such reviews would allow for a reassessment of viability once more detailed and verifiable cost information was available.
47. The preamble to London Plan Policy H4 explains that comprehensive review mechanisms will be applied to schemes that do not meet relevant thresholds for affordable housing (paragraph 4.4.3). However, there is no suggestion that review mechanisms should be used as a replacement for an upfront contribution where this can viably be made. Given my findings above regarding the inadequacy of the viability evidence, the provisions in the UU do not provide a way to overcome the conflict with the development plan.

Servicing arrangements

48. To minimise conflicts between servicing operatives and other road users including pedestrians, City Plan Policy 33 Part A expects servicing, collection and delivery needs to be fully met within a development site, and resists the net loss of existing off-street facilities. The proposed on-street servicing arrangements, and the loss of the internal car park/servicing area to accommodate the proposed development, would conflict with this part of the policy. However, Part D of Policy 33 acknowledges that it will not always be possible to fully meet servicing needs within a development site. Where that is the case, meeting those needs must minimise adverse effects on other highway and public realm users.
49. At the hearing, the appellant noted that construction of the Mews House would only occupy the area marked out for car parking, so the proposed development would not permanently remove the existing off-site servicing area. However, the appellant's submitted evidence is clear that all servicing would take place from the street. Furthermore, use of the internal space for servicing would not sit comfortably with proposals for an attractively paved courtyard with large planters, and could introduce conflicts with pedestrian movements within the site. I have therefore assessed the proposal on the basis that all servicing would take place from the street.
50. Access to the existing car park/servicing area is height restricted. Whilst it could be accessed by smaller delivery vans, the space is not currently used for servicing, and refuse collections and deliveries are made from the street for both the residential and commercial uses. This would continue under the proposed scheme.
51. The appellant has confirmed that servicing for the commercial units would not take place from Moscow Road, which is predominately residential and does not have the benefit of loading bays. For the pub and other commercial uses, a servicing lobby would be provided at the Queensway entrance to the building, which would include a new hoist and barrel drop. Servicing for the commercial uses would take place using the existing loading bay on Queensway during permitted hours, but the bays are on the other side of the street. Operatives moving goods would need to cross the road as well as the pavement, which would present a safety risk for themselves and other road users.
52. The Council has explained that the loading bays on Queensway were installed to assist existing uses with no access to off-street service areas, and not to cater for new development. However, this area is already being used to service the appeal building. Owing to the reduction in floorspace, the commercial servicing requirements would, if anything, be reduced as a result of the new development. Furthermore, there is no suggestion of any capacity or other reasons why the loading bays could not continue to be used by the appeal development. I am satisfied that, if the development was otherwise acceptable, appropriate measures to reduce the risks to the safety of operatives and other road users could be agreed through a detailed Service Management Plan (SMP), which could be secured by a condition.
53. Residential servicing would take place from Moscow Road. A refuse storage area serving the existing and proposed residential uses would be provided in the basement, and a temporary bin store at the entrance to the courtyard would allow the bins to be collected without the need to leave bins on the road or pavement.

Some residents have raised concerns about the amount of space which would be available for bin storage, but the appellant has confirmed that the proposals meet the Council's standards, and I note that the Waste Management Officer has made no objection. Residential servicing arrangements would be acceptable.

54. As it would no longer be needed for vehicular access, the Council has suggested that the existing cross-over at the Moscow Road entrance should be removed and a kerb reinstated. I agree that this would be necessary to safeguard the safety of pedestrians and other vulnerable road users. This could also be secured via a condition.
55. Overall, taking account of the existing situation and the proposed servicing strategy, I find that the effect of the proposed servicing arrangements on the safety of highway and other public realm users would be acceptable, and would meet the requirements of City Plan Policy 33 Part D. This would be subject to conditions requiring adherence to an agreed SMP, and the removal of the existing cross-over on Moscow Road.

Other Matters

Effect on Conservation Areas

56. Most of the appeal site is located within the Queensway Conservation Area (CA), with a small part of the Moscow Road frontage falling within the Bayswater CA. The appeal building occupies a prominent, corner location, but is identified in the Queensway CA Audit as having a negative impact, being of a bland design which has been inserted without regard to the character or appearance of the surrounding buildings. I agree with that assessment.
57. Building heights along Queensway and Moscow Road vary considerably, with the existing appeal building being lower in height than many in the surrounding area, including adjacent Alexandra Court. Following the proposed upward extension, the building would be significantly higher than currently, but the overall height would be consistent with other tall buildings nearby, and the incorporation of a mansard on the upper storey would help to reduce the impact of the additional height.
58. The existing car park/servicing area is not readily visible from the public domain, but can be seen in private views from properties which face onto it. Proposed landscaping of the courtyard area, and the rationalisation of plant on rear areas of roof, would improve the appearance of this area, and the design, materials and appearance of the Mews House would be appropriate.
59. The proposed refurbishment works to the main facades of the building, and the enhancements to the shop fronts, would improve its appearance considerably, and in sustainability terms, the refurbishment of the existing building would be preferable to alternative options involving demolition and replacement.
60. The proposed alterations to the site and existing building would have a positive impact on the character and appearance of both CAs. However, these benefits could largely be achieved through the proposed extension and alteration of the existing building. Owing to the location of the proposed Mews House in a rear courtyard, any positive effects on the character and appearance of the CA would be very limited.

Other considerations

61. The appeal scheme would make effective use of a small site, in a highly accessible location, to provide 8 new homes. The proposed residential units would range in size from one to three bedrooms, and would help to meet housing requirements in quantitative terms. Whilst this would be a benefit of the scheme, the number of new homes would be small, and the anticipated high sales prices would be beyond the reach of many people. This would limit the scheme's ability to meet local housing needs, and the scheme does not make provision for affordable housing.
62. The residential units would be car free, which is appropriate in this location and supported by London Plan Policy T6. To prevent adverse impacts associated with parking demand, the UU provides for restrictions on applications for parking permits. The UU also provides for a carbon offsetting contribution, to meet the requirements of City Plan Policy 40. The scheme would meet these particular policy requirements, but this is not sufficient to overcome the policy conflicts in relation to living conditions and affordable housing requirements, identified above.

Conclusion

63. I have found that the proposed servicing arrangements would be acceptable here (subject to conditions), but the Mews House would have significant deficiencies and would fail to provide acceptable living conditions. This finding is despite the appellant's aspirations for a high quality development. Furthermore, construction of the Mews House would result an increased sense of enclosure for the occupiers of Flat 1 Dukes Court and the ground floor flat in Alexandra Court, which would harmfully detract from their living conditions, albeit by modest and small amounts.
64. In addition, the viability evidence is insufficient to verify that the scheme cannot viably meet affordable housing requirements.
65. For these reasons, the scheme fails to comply with the development plan, and the harms are not outweighed by material considerations. The appeal is therefore dismissed.

R Morgan

INSPECTOR

List of participants

For the appellant

Mark Enderby, Delancy, developer

Daniel Stedman Jones, 39 Essex Chambers, barrister

Nicholle Kingsley, planning lawyer

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Philip Shears, Wolden, architect

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