

Appeal Decisions

Site visit made on 1 March 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2017

Appeal Ref: APP/X5990/W/16/3165636

61 Rutland Gate, London SW7 1PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Huth against the decision of City of Westminster Council.
 - The application Ref 16/05052/FULL, dated 19 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is described as 'retrospective application for the installation of double glazed windows'.
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Appeal Ref: APP/X5990/Y/16/3165635

61 Rutland Gate, London SW7 1PJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Huth against the decision of City of Westminster Council.
 - The application Ref 16/05176/LBC, dated 3 June 2016, was refused by notice dated 20 July 2016.
 - The development proposed is described as 'please see cover letter'.
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Decisions

1. The appeals are dismissed.

Main Issues

- Whether the windows preserve the special architectural or historic interest of the grade II listed buildings and the setting of adjacent listed buildings; and
- Whether they preserve or enhance the character or appearance of the Knightsbridge Conservation Area (KCA).

Procedural Matters

2. Both appeals relate to the same site. I have considered each on its own merits, but have dealt with them in one decision letter, as they have much in common and in the interest of brevity.
 3. The description of works sought for the listed building consent application in the banner heading above, which is taken from the appeal application form, does not clearly describe what is sought. The letter referred to explains that similar works to the associated planning application are sought. I am determining this appeal accordingly.
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4. Despite the address in the banner heading above, it is clear from the evidence before me that the appeals relate to four adjacent listed buildings, 59-62 Rutland Gate. I am determining the appeals accordingly.
5. The appeal development and works have been carried out on site. The Council considered the appeal applications on the basis of what has been carried out on site. As those works accord with the appeal plans, I intend to do the same.

Reasons

6. The appeal site includes part of the ground, first and second floors of 59-62 Rutland Gate. Those properties are 6 storey terraced residential properties, which form part of the terrace at 48-65 Rutland Gate. All of those properties are Grade II listed buildings. The original houses were three windows wide, as viewed from Rutland Gate. Their stucco elevations, with decorative Doric porches, window surrounds and other stucco detailing and the cast iron balcony at first floor are all significant features. Along with the general consistency in the detailed design, materials and colour of windows and doors, those features significantly contribute to the listed buildings' significance as heritage assets. Although the rears of the appeal buildings are plainer than their fronts and mainly brick, they still positively contribute to their significance as heritage assets.
7. The settings of the appeal listed buildings include their close relationship with the other buildings in the terrace. Their general consistency in scale, form and design, including the similarity in window and door design, materials and colour, result in a cohesive appearance that contributes to the listed buildings' setting. The same attributes also contribute to the high quality historic domestic residences that help define the character and appearance of the KCA.
8. I have limited substantive evidence to justify the replacement of the three over three sash windows at mainly second floor level at the rears, with the window design chosen. That is generally one light pane above another. The replacements do not replicate the previous windows and, in the absence of substantive evidence, I am not convinced that they replicate the intended design, or most appropriate design for this position, on a building of this age, type or design. Furthermore, the appeal plans indicate a more complex variety of turn and tilt opening mechanisms than the previous windows. When open they would fail to replicate the characteristic opening mechanism of a traditional sash window. This would result in a modern appearance that would be at odds with the traditional design of the rest of the rear elevations and the buildings generally.
9. Moreover, the windows include sealed double glazed units. Those that they replaced did not, in the main. The use of two sheets of modern glass in the manner proposed has a more uniform reflective quality, which is quite different to the single glazed windows originally designed and most of those previously in place. The windows generally have thicker timber elements than a traditional single glazed window. They also have some non-traditional profiles, which diminish the listed buildings' historic integrity. I have limited information on which to assess the detail of the previous windows, but on the information before me, and for the reasons given, I consider that the replacement windows overall, are materially different. For the reasons given, I am not convinced that overall, the appeals would not result in a worsening of the previous situation.

10. It is pointed out that the previous windows in the appeal dwelling were not original to the listed buildings and a few at the rear were double glazed. I acknowledge in this regard that historic fabric has not been lost and replacements for those that were previously double glazed do not result in material harm. I have noted that some alterations to the design and opening mechanisms of the windows, particularly on the front, are an improvement on the previous situation. I also acknowledge that the rear of the listed buildings are less open to view than the front, that they have been altered and added to over time and generally contribute less than the fronts to the significance of the listed buildings. I also note that internally the appeal site has been much altered. However, for the reasons given, I am not convinced that overall, the appeals would not result in a worsening of the previous situation. The windows relate to a number of listed buildings, at different levels, which adds to the harm. As they adversely affect the general uniformity of windows appreciable within the terrace, they would negatively impact on the settings I have identified of those adjacent buildings.
11. Further, as I have found that the appeal site positively contributes to the KCA, as the proposed windows would harm the significance of the appeal listed buildings, it follows that they would fail to preserve the character and appearance of the KCA.
12. In coming to this conclusion, I have had regard to previous appeal decisions at the appeal site brought to my attention. Although for different development and works, where relevant to this appeal, I have generally concurred with the views of that Inspector¹.
13. I conclude that the appeal proposals would fail to preserve the special architectural or historic interest of the grade II listed buildings, 59-62 Rutland Gate and the setting of adjacent listed buildings in the terrace. They would also fail to preserve the character and appearance of the KCA that I have identified. For all these reasons, they would be contrary to Policies S25 and S28 of the Westminster's City Plan Consolidated with Basement and Mixed Use Revisions (2016) and Policies DES1, DES5, DES9, DES10 of the City of Westminster Unitary Development Plan (2007). Those policies, together, aim to recognise Westminster's wider historic environment, conserve its extensive heritage assets including listed buildings and conservations areas and seek to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Public Benefits

14. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage assets identified would be less than substantial, a matter to which I attach considerable importance and weight, mindful of my statutory duties². However, in this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, which outweigh that harm. In coming to this conclusion, I have had regard to the energy and carbon emissions savings, and

¹ APP/X5990/W/16/3145490 and APP/X5990/Y/16/3145491

² sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

the security and acoustic benefits brought to my attention. I acknowledge that the previous windows were in disrepair and that their replacement could help to extend the lives of the listed buildings. However, more appropriate replacements would be likely to do the same. Whilst it is suggested that they help to secure the property's optimum viable uses, I have no evidence that their existing uses are under threat. I also consider that some of the windows at the front improve on the mixture of casement and sash windows previously in place and some previous renovation has been carried out to a high standard. However, none of these matters, some of which I consider public benefits, outweigh the harm identified.

Conclusions

15. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

R Barrett

INSPECTOR