
Appeal Decision

Site visit made on 22 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 June 2017

Appeal Ref: APP/X5990/W/17/3168751

21 Westminster Mansions, Great Smith Street, London SW1P 3BP

- 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 Colin Shurety, Amdale Securities Ltd against the decision of City of Westminster Council.
 - The application Ref 16/09992/FULL, dated 19 October 2016, was refused by notice dated 2 February 2017.
 - The development proposed is the replacement of the existing softwood framed, single glazed, sash windows with PVCu framed double glazed, sash windows of the same visual pattern.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The works have already been completed and I had the benefit of seeing the replacement windows at my site visit.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the conservation area.

Reasons

4. The appeal relates to this ground floor flat within this substantial mansion block. The flat is at the rear of the building. The property sits within the Westminster Abbey and Parliament Square Conservation Area and is identified as an unlisted building of merit. I agree that its form and design, along with items of detail means that the building makes a positive contribution to the conservation area.
5. In relation to development in conservation areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*" The National Planning Policy Framework states that "*great weight*" should be given to the conservation of a designated heritage asset (in this appeal this relates to the Conservation Area). Policy DES 5 of the City of Westminster Unitary Development Plan 2007 (UDP) states that permission will generally be granted providing that, amongst other

things, design reflects the style and details of the existing building and the use of external materials is consistent with the existing building. Policy DES 9 of the UDP relates to conservation areas and, amongst other things, states that for unlisted buildings within conservation areas, alterations should use traditional building materials. In its supporting text to these policies, the UDP states that replacement windows should be designed to complement the architectural style and detailing of the existing building.

6. The new windows are double glazed and constructed from PVCu. I was not able to see any other such examples on the existing building, noting that predominantly the windows were sashes, although some casement windows are present, but all that I could see were of timber; the appellant does not draw any other examples to my attention on this building. The windows appear thicker and wider in comparison to the original examples that I observed. Certain elements of detail, including the horns and the glazing bars, do not appear integral to the design and the Council refer to them as being applied to the windows. Added to this, the material of construction is obvious from its appearance and has a quite different visual effect than the timber windows. The new windows appear harsh and modern, with precise clean lines when compared to the timber windows. This coupled with the bulkier, heavy appearance leads me to conclude that the new windows fail to achieve the requirements set out in the above policies. The windows are clearly not of traditional materials, they do not reflect the materials used in the remainder of the building and the different detailed design emphasises their difference.
7. The appellant points out that the windows are contained within an elevation at the ground floor, at the rear and within an enclosed yard, facing onto a 2m high wall. However, the rear yard is an area that other residents have access to and obviously use as was evident by the cycle racks and entrance door that I saw and so at least some of the windows will be visible to other residents. I also noted that some views may be possible from the adjacent modern office block. I readily accept that the position of this elevation means that the windows are not within a prominent part of the building and not open to public views (beyond what I set out above). However, the windows will be seen by others from within the conservation area and I consider that their unacceptable effects would be perceived by them. Whilst noting that this is a limited effect in terms of its scope, it is nonetheless a negative one.
8. The appellant states that the previous windows were in a poor state of repair and the new ones offer better thermal and acoustic performance. I have no reason to doubt that these matters are as presented by the appellant but in my judgement, and with reference to paragraph 134 of the Framework, they do not represent sufficient benefit to outweigh the harm that I have identified.
9. Therefore, I conclude that the replacement windows fail to preserve or enhance the character and appearance of the conservation area, have a harmful effect on the designated heritage asset, contrary to the relevant local policies. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR