
Appeal Decision

Site visit made on 17 May 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/X5990/D/17/3170670

First and Second Floor Maisonette, 112a Lisson Grove, London, NW1 6UL

- 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 Andreas Avgousti against the decision of the City of Westminster Council.
 - The application Ref 16/08070/FULL, dated 14 September 2016, was refused by notice dated 7 December 2016.
 - The development is the replacement of windows to 1st & 2nd floor of 112a Lisson Grove, NW1 6UL.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 15 June 2017

Decision

1. The appeal is allowed and planning permission for the replacement of windows is granted for the First and Second Floor Maisonette, 112a Lisson Grove, London, NW1 6UL in accordance with the terms of the application Ref 16/08070/FULL, dated 14 September 2016.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Lisson Grove Conservation Area.

Reasons

3. The appeal site accommodates an unlisted building set within a terrace which is identified as Edwardian or Victorian, and specifically comprises a maisonette set over the first and second floors of the property. The ground floor of the property is in a commercial use. The building is located within the Lisson Grove Conservation Area.
 4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
 5. Lisson Grove Conservation Area is defined by surviving Georgian terraces, as well as later Victorian and Edwardian terraces, which are highlighted as a key part of the character. The greater level of articulation of the front elevation has
-

- been cited, as has been the original use of timber sash windows. The appeal building is not identified as being an unlisted building of merit.
6. The replacement windows, which were already in situ at the time of my visit, are comprised of 6no. uPVC double-glazed casement windows, on the front elevation of the property. It is indicated that these windows replaced single glazed sliding aluminium windows, which it is agreed by the Council were not of a *high architectural quality in terms of their colour, method of opening and general appearance*. It is also reported that the aluminium windows were in a generally poor condition in respect of both their appearance and performance.
 7. The appellant contends that the replacement windows are in fact an overall improvement in appearance over the previous windows, and I would accept on the basis of the reported maintained condition of the previous windows that this is likely to be the case. However, I do not accept that the ultimate visual effect of the proportions and appearance of the uPVC and method of opening would particularly enhance the significance of the conservation area. I do accept that the energy efficiency and performance is likely to be improved as a consequence of the replacement, and whilst this is a factor which would weigh in support of the proposals, I am also mindful that such improvements are also achievable through more traditional design solutions.
 8. I have no doubt that the Council's implied preference for timber sash windows would enhance the character and appearance of the conservation area. Nevertheless, I am mindful that the statutory test requires the decision-maker to have special regard to the desirability of *preserving or enhancing* the character or appearance of conservation areas. Whilst I accept that the use of a casement method of opening would not be ideal, being mindful of the nature of the previous windows replaced including the method of opening, and the prevalence of other examples of uPVC and casement fenestration in the conservation area in the immediate vicinity, I conclude that the installed uPVC windows would in this instance preserve the overall character and appearance of the conservation area.
 9. I have carefully considered the location of the appeal site on the edge of the conservation area and that it has not been specifically 'singled out' for special attention in the form of identification as a unlisted building of merit. However, I do not regard these as mitigative considerations which have merited a less stringent design approach to be adopted in this instance. and these are not factors which have had any bearing on my decision. Likewise, whilst I have had regard to references to the approach taken by the Inspector on the recent allowed appeal decision at London College of Fashion, 100-102 Curtain Road, London, EC2 3AE, I have determined this appeal on the specific merits of the case. I do not consider these matters to be factors which have had any significant bearing on my decision.
 10. As a consequence, I therefore conclude that whilst the replacement windows would fail to enhance the character and appearance of the Lisson Grove Conservation Area, they would preserve the overall character and appearance of the conservation area, in accordance with the requirements of s72(1) of the Act. Accordingly, I find the installation of the replacement windows to accord with Policies S25 and S28 of the Westminster City Plan: Consolidated with all changes since November 2013 (2016), and saved Policies DES 1, DES 5, DES 9 and paragraphs 10.108 to 10.128 of the City of Westminster Unitary

Development Plan (2007). These policies seek to secure the conservation of Westminster's heritage assets through exemplary standards of urban design and architecture, which reflect the style and details of the existing building, and which preserve or enhance the character or appearance of conservation areas. In addition, I am satisfied that the scheme would accord with the core planning principles of the Framework, that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

Conclusions

11. For the reasons given above, the appeal is allowed.

M Seaton

INSPECTOR