
Appeal Decisions

Site visit made on 10 October 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 20 October 2017

Appeal Ref: APP/X5990/W/17/3179377
211A Sussex Gardens, London W2 2RJ

- 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 Donal O'Sullivan against the decision of City of Westminster Council.
 - The application Ref: 16/11995/FULL, dated 21 October 2016, was refused by notice dated 10 February 2017.
 - The development proposed is described as to replace rear windows and door of basement flat looking onto small rear patio.
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Appeal Ref: APP/X5990/Y/17/3174665
211 Sussex Gardens, London W2 2RJ¹

- 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 Donal O'Sullivan against the decision of City of Westminster Council.
 - The application Ref: 16/11996/LBC, dated 1 November 2016, was refused by notice dated 10 February 2017.
 - The works proposed are described as remove three windows and one door at the rear of the basement and replace with three new windows and one door.
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Preliminary Matters

1. I have taken the descriptions of development/works above from the application forms. The works/development have already been undertaken.
2. The Council's description in its decision notices reads 'Replacement of existing metal windows with upvc windows and replacement of timber door with upvc door in the rear basement flat'. This more clearly describes what has happened.

Decisions

3. Both appeals are dismissed.

Main Issues

4. The main issues in both appeals are:
 - (a) the effect of the proposed development/works on the terrace which includes 211A Sussex Gardens and is a grade II listed building; and,

¹ The plans make it clear that this is also 211A Sussex Gardens although the 'A' is omitted on the application form

- (b) whether or not the proposed development would preserve or enhance the character or appearance of the Bayswater Conservation Area.

Reasons

Listed Building

5. The appeal property is the basement flat in 211 Sussex Gardens, itself within the grade II listed building comprised of a terrace Nos 163-213 (odd numbers). The terrace dates from the early to mid C19th. Constructed of brown brick, with stucco, it has 4 storeys and a basement level. The rear projecting section may well be a later addition, although no clear evidence of the building's development is given in this respect. The main façade of the terrace is of an irregular form and grand appearance, with some properties having projecting porches. There are ironwork balconies and railings. The windows include casements and sashes.
6. The architectural style, traditional materials and cohesiveness is important in creating the aesthetic and architectural interest of the building. Its historic interest, amongst other things, is formed by its age and its role as a key feature in the original layout of Bayswater. These are important factors in identifying the special architectural and historic interest, and thus significance of, the listed building.
7. The appeal site is a basement flat within the terrace. The works all relate to the rear of the terrace at basement level.
8. As set out above the works haven undertaken. I saw that the new uPVC door and windows, one in the rear facing elevation and the other two in the flank elevation, are markedly different from those they have replaced. The earlier windows were of metal and the door of timber. While neither would have been contemporary with the original house development, they were of a significantly different construction and appearance from those which have replaced them².
9. The windows and door, including its frame, have heavy sections and a basic angular profile. As such, they appear crude when compared with the more elegant, slim, profile of the metal windows and less uniform, more elegantly jointed, character of the timber door and surround. Both the windows and door have a very uniform appearance, which lacks the detail and patina of the painted metal windows and the timber door. In addition the modern glass and widely spaced double glazing, with its central silver coloured metal strip, exacerbate the inelegant window design, adding to the cumbersome appearance. The new glazing also fails to have the same characteristics and reflective properties of single glazing with older glass. Moreover, the white uniform finish appears stark and out of character with the historic property.
10. Further, the windows which have been replaced offered a good degree of uniformity with the remainder of the rear elevation of No 211. The consequent lack of cohesiveness detracts from the listed terrace.
11. Thus, I find that the new windows are harmful to the special architectural and historic interest and significance of the building.

² For completeness I note that there is an existing uPVC window in the rearmost elevation which is not part of this appeal.

12. I am mindful that the National Planning Policy Framework (the Framework) requires that where less than substantial harm would arise to a heritage asset, which is the case here, the harm should be weighed against the public benefits of the proposal. Whilst some modest public benefit could be argued to arise from the improvement to the housing stock by virtue of replacement of decayed windows this is not sufficient to outweigh the harm identified, particularly given there are likely to be alternative solutions. In this regard the extent of decay and potential for repair is not a matter which has been fully addressed and so I shall not comment upon it further.
13. I conclude that the development is contrary to the provisions of Policy S25 of the Westminster City Plan (2016) (the WCP) which, amongst other things, seeks to conserve listed buildings but would allow for sensitive upgrading for environmental performance. There would also be conflict with Policy S28, which while seeking to support exemplary standards of sustainable and inclusive design, including in respect of reducing the energy use of the building, does so provided that it respects Westminster's heritage and local distinctiveness. That would not be the case here. There would also be conflict with Saved Policies DES 1, DES 5 DES 9 and DES 10 of the City of Westminster Unitary Development Plan 2007 (UDP) which, taken together, seek to protect historic assets from works/development which involves inappropriate materials, and inappropriate style and detailing. There would also be conflict with the Council's Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' and the advice of the Framework.

Bayswater Conservation Area

14. The Bayswater Conservation Area is reasonably large. A key feature of the Conservation Area is the high quality, historic, residential housing. This is mainly in the form of substantial terraces in linear street patterns. These residential properties are mainly of traditional construction and materials. In addition to the residential development there are other significant buildings such as Paddington Station and there are small areas of urban green space.
15. In terms of fenestration it mainly follows the age of the building. As such, I find that the uPVC windows and door that have been installed at the appeal site, albeit in what appears to be a later addition, are unsympathetic and discordant features which are out of character with the host listed building and serve to further erode the character and appearance of the Bayswater Conservation Area. Thus, they do not preserve or enhance the character or appearance of the Bayswater Conservation Area, rather they harm it.
16. That said, I acknowledge the windows and door are at basement level and not seen from public vantage points and are likely to be barely seen from other viewpoints. As a result, the harm to the Conservation Area, taken as a whole, is relatively modest. Nonetheless, it does conflict with the provisions of Policy S25 of the WCP which, amongst other things, seeks to conserve conservation areas but would allow for sensitive upgrading for environmental performance. It would also conflict with WCP Policy S28, and Saved UDP Policies DES 1, DES 5, DES 9 and DES 10 for the same reasons as identified above.

Conclusions

17. For the reasons set out about above, I conclude that the development/works have a harmful effect on the grade II listed terrace of which the appeal

property forms a part. There would also be modest harm to the Bayswater Conservation Area. These lead to development plan conflict. Whilst I have considered the matters raised in respect of condition of the former windows, the improved thermal performance of the new windows and the relationship to the host building, the material considerations before me do not outweigh the harm identified. As such, I conclude that both appeals fail.

Zoë Hill

Inspector