
Appeal Decisions

Site visit made on 11 February 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal A: APP/X5990/W/19/3240334

Flat 6, 132 Gloucester Terrace, London W2 6HP

- 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 Neil Aitken against the decision of City of Westminster Council.
 - The application Ref 19/01148/FULL, dated 14 February 2019, was refused by notice dated 14 May 2019.
 - The development proposed is replacement of five steel mansard windows with new double glazed aluminium windows.
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Appeal B: APP/X5990/Y/19/3240336

Flat 6, 132 Gloucester Terrace, London W2 6HP

- 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 Neil Aitken against the decision of City of Westminster Council.
 - The application Ref 19/01149/LBC, dated 14 February 2019, was refused by notice dated 14 May 2019.
 - The works proposed are replacement of five steel mansard windows with new double glazed aluminium windows.
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Decisions

1. I dismiss both appeals.

Reasons

2. The building is listed Grade II and is within the Bayswater Conservation Area. The main issue in both appeals is the effect of the proposal on the significance of designated heritage assets. Policies S25 and S28 of Westminster's City Plan state that heritage assets will be preserved, and that development must incorporate exemplary standards of sustainable and inclusive urban design and architecture. Unitary Development Plan Policy DES 1 sets out the principles of urban design and conservation, while Policy DES 5 is specific to alterations and extensions. Policies DES 9 and DES 10(A) set out requirements for conservation areas, and for applications for planning permission involving the extension or alteration of a listed building, and paras 10.108 to 10.146 are the supporting text to these latter 2 policies.
3. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires

special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The Council has published Supplementary Planning Guidance: *'Repairs and Alterations to Listed Buildings'*, notably paragraph 6.13 which states that *'original and historic windows should be retained, or where beyond repair, they should be replaced with purpose-made copies. These should accurately match the dimensions, details, materials and finish of the original windows. The introduction of standardised modern windows, especially those made of aluminium, steel or UPVC, can be highly damaging to the appearance of historic buildings, and will almost always be unacceptable.'* Reference is also made to Historic England's guidance *'Energy Efficiency and Historic Buildings'* and *'Traditional Windows: Their Care, Repair and Upgrading'*.
6. Number 132 is prominent at the corner of Gloucester Terrace and Cleveland Terrace and in fact has a greater frontage on the latter road. The width of both roads and the long views available of this corner leads to this prominence and the attic windows the subject of the appeal are particularly conspicuous over a considerable distance along both roads to the north-west and south-west. That is not the case with many of the other dormer windows further to the south-east on the same terrace due to the narrower field of view and the blocking effect of the projecting bays.
7. The windows currently in place are single-glazed metal framed casements, with the exception of a single timber casement to the outer end of the south-east dormer. They are described by the Council as later additions with low significance and having a detrimental effect on the unity of the façade, being the only metal examples with a clearly contemporary pane arrangement to the building, and that assessment appears correct.
8. Close inspection revealed that they are suffering from rust and peeling paint, probably due to condensation from the single glazed panes, and there are some missing stays. The appellant is of the view that they are beyond repair, and the cills are rotten, and the exposed location on the corner no-doubt leads to greater exposure to rain. It is likely however that a repair or a like-for-like replacement would not require consent. Neither of those proposals would address the poor thermal performance of the frames let alone the single glazing.
9. The Council express the view that traditional sliding sashes should be installed and whilst it was not readily possible to identify the style used on the rest of the terrace from ground level due to the bays, the 3 windows on the Cleveland Terrace frontage sit over the 3 sashes below and appear very much part of the planned elevation, rather than a set-back lighting to servants rooms seen elsewhere. Whilst the Council refer to the use of a tripartite arrangement over the tripartite sashes on the square bays below, the windows do not precisely line and the two outer ones are narrower due to the slope of the mansard to front and back; the proportions would indicate a single pair of sashes.

10. To the extent that the retention of the present window arrangement, whether repaired or replaced, may be an option, the replication of that arrangement in a more thermally efficient form would appear a reasonable proposition. However, the photograph of the proposed aluminium windows supplied to the appeal indicates a thicker frame and casement style, and having mind to the metal framed windows presently in place being of a slim section, that change would perpetuate the failing in the opening arrangements identified, whilst adding further harm to the architectural and historic significance of the listed building. Due to the site's prominence in the conservation area and the windows' prominence on the building, there is also harm to the character and appearance of that designated heritage asset.
11. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. There does not appear to be a risk of Flat 6 falling out of its viable use as a dwelling, in this accessible and attractive location, but the comfort conditions of the occupiers could be improved, and some action is required to avoid rot spreading. The conservation of heat together with the reduction in CO₂ emissions is a public benefit of considerable weight. Those aims could however be achieved in a less harmful way.
13. In the balance, the further harm that would be caused by the proposed use of larger section aluminium windows and the perpetuation of non-historical opening arrangements would not be outweighed by public benefits.
14. The conclusion is that the proposal would fail the tests in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with the aims of Policies S25, S28 and DES 10(A) and the Framework on designated heritage assets, and would not be of the standard of design sought in Policies DES 1 and DES 5 together with Paragraph 124 of the Framework and Historic England advice. Regarding the Council's Supplementary Planning Guidance, the opportunity has not been taken to accurately match the dimensions, details, materials and finish of the original windows. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR