
Appeal Decisions

Site visit made on 22 September 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2020

Appeal A: APP/X5990/W/20/3250815

Flat B, 4 Cleveland Square, London W2 6DH

- 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 C Dunning against the decision of City of Westminster Council.
 - The application Ref 20/00671/FULL, dated 30 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is replacement of original sash windows to the rear elevation.
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Appeal B: APP/X5990/Y/20/3250672

Flat B, 4 Cleveland Square, London W2 6DH

- 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 C Dunning against the decision of City of Westminster Council.
 - The application Ref 20/00318/LBC, dated 30 January 2020, was refused by notice dated 18 March 2020.
 - The works proposed are replacement of original sash windows to the rear elevation.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. I have omitted superfluous information that does not form part of the description of development/works, down to what is proposed.
3. The two appeals concern the same scheme under different, complementary legislation, I have therefore dealt with both appeals together in my reasoning.
4. I observed during my site visit that the windows have been replaced. However, the existing elevation plans accompanying the applications do not accurately reflect the works/development that has been carried out. Moreover, from the outside, Window 01 to the bathroom window includes a wider fixed transom between the top and middle lights. To the inside of the bathroom, the ceiling appears to taper down to the window with only four of the six panes visible. However, I have dealt with the appeals on the basis of the proposals shown on the plans referenced: 20511_PA_01, 20511_PA_02, 20511_PA_04B, 20511_PA_04C and 20511_PA_05.

Main Issue

5. The main issue is whether the proposal preserves a Grade II listed building, known as '1-7, Cleveland Square', and any features of special historic interest that it possesses, and the extent to which it preserves or enhances the character or appearance of the Bayswater Conservation Area.

Reasons

Significance

6. The appeal property concerns a first floor flat at 4 Cleveland Square, a mid-terraced building which forms part of a Grade II listed terrace at Nos 1-7. The terrace dates from the mid-19th Century but has since been separated into numerous flats with the floor plan reconfigured accordingly. The building is also within the Bayswater Conservation Area (CA).
7. In architectural terms, the terrace comprises of classical London townhouses with stucco frontages, each three windows wide, but Nos 1 to 3 are more widely spaced and arranged around the convex curve of Cleveland Square into Chilworth Street. The front elevation includes a plethora of elegant and decorative architectural features, including Doric porches, balconies, architraves and dentil cornices. The windows are primarily tall sashes with plate glass, but French casements to the first floor. All are traditional joinery and painted black but incorporate different header treatments which denotes a vertical hierarchy of rooms.
8. Although the list description primarily focuses on the front of the property, it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest. Moreover, the architecture of the rear façade of the listed terrace is evidently less formal than the front, with exposed stock brick and closet wings, but nevertheless contributes to its special interest, particularly in terms of the architecture and rhythm and use of materials in the construction of the façade, especially the use of timber joinery.
9. Despite the modern alterations to the floor plan of the listed building, which emanate from its conversion to flats in the 20th Century, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the architectural and historic interest of this notable terraced range of 19th Century houses. Moreover, the listed building possesses a richness and uniformity of the architectural detailing that is befitting of its grade II status, including traditional joinery found in windows to the front and rear.
10. The CA is split into two parts, to the east and west of Queensway and is characterised by a grid pattern of largely residential, terraced streets and open squares lying to the north of Hyde Park and Kensington Gardens. Its historical significance principally derives from its 19th century origins and the many fine examples of Georgian architecture found within it, including the uniformity and grandness of the scale and appearance of predominantly stuccoed housing with traditional joinery, and the contribution that these make to the townscape therein. The elegantly decorated listed building is an example of those characteristics and frames the communal garden in the square. The more simplistic form of the rear façade also provides a contrast and reinforces the

differing approach to the façades of buildings in the CA, which contributes to the understanding and significance of the CA.

The proposal

11. The proposal relates to the removal and subsequent replacement of three historic windows situated to the rear of the appeal property. It is unclear whether the pre-existing application drawings are a slavish representation of the windows previously in situ. However, based on the appearance of the other windows at the front and rear of the listed building, it is likely that the windows would almost certainly have incorporated vertically proportioned, slim profile, single glazed timber sashes. Each element of the sashes was likely to have been of six panes, and the lower sash would typically have been in reveal of the top sash.
12. The replacement windows have been inserted into the original structural openings and are double-glazed powder coated aluminium frames, all incorporating six flush fitting, top hung and outward opening lights. The exterior is finished in black and the interior in white.

Effect of the proposal on the significance of the listed building and the character and appearance of the Bayswater Conservation Area

13. Due to the enclosing effect of the closet wing to the northwest and the presence of the dwellings in Gloucester Mews West, the windows in the rear façade of the listed building are predominantly not visible from within the public realm. However, I am mindful that listed buildings are protected for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained.
14. In terms of private views, some of the views from the properties in Chilworth Street are more oblique, but replacement Windows 01 and 02 in the appeal property are visible from those properties, as their windows are also visible from the appeal property. For similar reasons, while the views from properties in Gloucester Terrace would be more distant, the replacement windows in the appeal property are still likely to be evident.
15. The frames and glazing bars of the replacement windows are significantly thicker than the pre-existing windows, have a flatter appearance and incorporate outward opening lights. The extent, bulk, detailing and opening style of the replacement windows, particularly the thicker transom panel between the middle and top lights of Window 01, is in contrast to the refined and slender historic timber joinery found at the rear of the listed building and elsewhere within this part of the CA.
16. Notwithstanding the above, based on the evidence before me and the views available from the appeal property of the replacement windows, it has not been possible to determine whether or not the use of the individual double glazed units within each window has addressed the difference between the reflective properties of double and single glazed windows.
17. The appellant has suggested that the windows required replacement after becoming rotten, which may have been owing to a lack of maintenance given the access available to the windows. I also appreciate that the design of the replacement windows was informed by these access limitations, in order to reduce future liabilities. Given that the significance of a heritage asset is the

sum total of its heritage values, historic windows will usually be of such significance that every effort should be made to conserve them. Most historic windows will illustrate, to a varying extent, the materials, technology, craftsmanship and architecture around the time they were installed. In this instance, there is no substantive evidence before me of the condition of the pre-existing windows at the time of their removal, including whether they would have been capable of repair and reinstatement.

18. I note that the Council has previously granted approval¹ for the replacement of timber French doors with bi-fold doors at Flat 1, which is located within the basement of the listed building. While the appellant has suggested that the doors are also not visible from the public realm, I am not aware of their visibility from other properties or of the matters pertinent to the applications that led to the Council's decision, particularly whether the doors are double glazed.
19. In light of the above, the use of non-traditional materials in the construction of the replacement windows has not been justified and they appear as discordant alterations to the listed building, particularly in the context of the appearance of the historic windows found to the rear façade of the listed building. It therefore follows that the windows diminish the contribution made by the listed building to, and cause incremental harm in their own right to the character and appearance of the CA.

Public benefits and conclusions on the main issue

20. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
21. The removal of historic fabric, in respect of the three windows, has failed to preserve the listed building or its features of special architectural or historic interest. Furthermore, as the special interest of a listed building within the CA is diminished, the character and appearance of the CA as a whole has been incrementally harmed. In my view the harm that I have identified equates to less than substantial harm to the significance of these designated heritage assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
22. Addressing matters relating to thermal efficiency provided by the double glazed replacement windows would be of public benefit in environmental terms. However, there is no substantive evidence before me to suggest that the windows could not be repaired, or that the replacement windows were required

¹ Planning References: 17/09467/LBC and 17/10489/FULL.

to make the building habitable or sustain the heritage asset. The continued viable residential use of the listed building would therefore not be likely to cease in their absence.

23. Taking the above together, the public benefits I have outlined above would not justify allowing works and development that have failed to preserve the special interest of the listed building and the character and appearance of the CA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage assets.
24. Despite the support received from nearby residents, given the above, I conclude that, on balance, the proposal has failed to preserve the special historic interest of the Grade II listed building and the character and appearance of the Bayswater Conservation Area. Hence, the appeal proposal has failed to satisfy the requirements of the Act, paragraphs 192, 193 and 194 of the Framework and conflicts with Policies S25 and S28 of the Westminster City Plan (Revised November 2016); Policies DES1, DES5 and DES10(A) and paragraphs 10.108 to 10.146 of the UDP; and the guidance contained in the Council's Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings (adopted December 1995). Amongst other things, these policies and guidance seek to ensure that proposals respect the listed building's character and appearance and serve to preserve, restore or complement its features of special architectural or historic interest; and the design of alteration of buildings should reflect the style and details of the existing building and use external materials consistent with that of the existing building.

Other Matters

25. I understand that the windows at the rear of the appeal property were installed in 2002. The appellant has suggested that the Council did not notice the windows when previously undertaking site visits to the listed building and no other party found cause to complain in that period, until a report that instigated the Council's investigation. Be that as it may, the Act does not contain any time limits on the period for enforcement action in relation to works carried out to listed buildings that would otherwise require consent. I have therefore given very limited weight to these arguments and they do not alter my conclusion on the main issue.

Conclusion

26. For the reasons given above, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR