

Appeal Decision

Site visit made on 14 December 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/X5990/W/20/3255541

405 Clive Court, Maida Vale, London W9 1SF

- 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 Dr Ayoub Shirvani against the decision of City of Westminster Council.
 - The application Ref 20/02199/FULL, dated 30 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed was initially described as the “replacement of rusty and metal fatigue windows.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development that is the subject of this appeal has already occurred and I shall proceed on that basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the existing building and the Maida Vale Conservation Area.

Reasons

4. The part of Maida Vale that includes Clive Court features large buildings containing flats that are set back from the road with gardens to the front. The site sits at the edge of the Maida Vale Conservation Area which the evidence before me indicates takes its significance from being a largely residential area with built form, mostly from the 19th century, being formally arranged to enable tree lined streets and the spacing around the buildings to create a leafy character. The building at the appeal site is a particularly large residential building consisting of flats, with largely repetitive architectural detailing to the external elevations. Although the windows within the building are not uniform, the majority are consistent in terms of materials and detailing and this adds to the attractive appearance of the building. The scale and detailing of the building causes it to be a substantial and positive feature of the character and appearance of the street and the Conservation Area. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
5. In comparison to the predominant windows of the building, which appear to be original, the windows that are the subject of this appeal feature frames that are significantly thicker and of noticeably different material. Consequently, the windows are of strikingly different appearance and design to the majority of the windows within the building. As the evidence before me indicates that the windows

at the appeal site formerly reflected the predominant window style of the building, it appears that the development has reduced the consistency of the building's architecture, thereby eroding its overall appearance and the contribution it makes to the character and appearance of the street and the Conservation Area. The harm caused to the significance of the Conservation Area is less than substantial and I afford great weight to that harm.

6. Not all windows within the building are identical and some appear to have been inserted relatively recently, which the appellant has identified replaced original windows. However, as I have no details before me of the planning history of those windows, I am not able to afford their presence more than a little weight. In any event, those windows do not prevent the original windows being a substantial feature of the character and appearance of the building. As such, even though there are other types of windows within the building, this does not alter my assessment of the effect of the replacement windows that are the subject of this appeal and the effect that they have had on the character and appearance of the building and the Conservation Area. Similarly, I have no basis to conclude that other alterations to the building that have occurred, including the replacement of a fire escape path, should alter my assessment of the effect of the development that is the subject of this appeal.
7. As the development has caused less than substantial harm to a heritage asset, the National Planning Policy Framework (The Framework) requires that harm to be weighed against the public benefits of the development. In this regard the appellant and interested parties have indicated that the former windows were in poor condition, unsafe and thermally inefficient. However, I have no details before me of the condition of the former windows and find that those aspects of the development would primarily benefit the occupiers of the flat, with any benefits to the wider public being limited. Moreover, I have no compelling evidence before me that the windows that have been installed are the only windows that would have derived those benefits and that such improvements could not have occurred without causing the harm identified above. Consequently, the public benefits of the development do not outweigh the harm caused to the heritage asset.
8. For the reasons given above, the development has had an unacceptable effect on the character and appearance of the existing building and the Maida Vale Conservation Area. The development is, therefore, contrary to Policies S25 and S28 of the Westminster City Plan (2016) which require that heritage assets are conserved and that developments incorporate exemplary standards of architecture. The development is also contrary to Policies DES1, DES5 and DES9 of the City of Westminster Unitary Development Plan (2007) which require that development is of the highest standard in terms of architectural quality, reflects the style and details of the existing building and conforms with the types of development that are identified as being acceptable in the interests of preserving or enhancing the character and appearance of Conservation Areas.
9. Furthermore, the development does not accord with The Framework which requires the conservation and enhancement of the historic environment unless any less than substantial harm is outweighed by the public benefits of the development.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR