



Appeal Decision

Site visit made on 9 February 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/H5960/W/20/3258125

59 Prince of Wales Mansions, Prince of Wales Drive, London SW11 4BH

- 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 Miss Philippa Anselmino against the decision of Wandsworth Council.
 - The application Ref 2020/1387, dated 17 April 2020, was refused by notice dated 27 July 2020.
 - The development proposed is for Alterations including installation of replacement double glazed timber and metal windows to property.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1st March 2021.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the preservation or enhancement of its significance as a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the Battersea Park Conservation Area (the CA).

Procedural Matters

3. As the description of development varies between the documents submitted for the purpose of this appeal, I have used the description of the development from the Wandsworth Council decision notice and the appellant's appeal statement, as it has been used by both parties and accurately describes the proposal.

Reasons

4. The appeal property is a non-designated heritage asset, recognised by it being part of a locally listed building, which forms part of a series of mansion blocks located opposite Battersea park within the CA, the uniformity and repetition of architectural form and details of which contribute to its significance.

5. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The National Planning Policy Framework (the Framework) sets out how planning authorities should seek the conservation and enhancement of the historic environment and establishes that good design is a key aspect of sustainable development, indivisible from good planning
7. The proposal is for the replacement of six timber framed sash windows with double glazed windows that would match the existing and the replacement of one six timber framed sash window with a black aluminium framed window, which would neither match the existing window in dimensions, appearance, finished colour or form of opening.
8. It is accepted that the six replacement timber windows would clearly match the existing and would maintain the architectural integrity of the building and would have no adverse effect on this locally listed building or the character or appearance of the CA.
9. Although the proposal is to the rear of this locally listed building, which is not intended to be the most decorative outward facing part of the building, when viewed from the rear access road the building does still retain much of its original repeated architectural form and details, including original windows, and contributes to the significance of the CA.
10. The proposed metal replacement window would replace a timber window contiguous to the balcony, which is also found in the same repeated position on other floors of this building and other neighbouring mansion blocks. This metal replacement window would match more closely the design and finish of the previously approved, but unimplemented, balcony enclosure¹. When viewed from inside the room of the dwelling that they serve, this arrangement would read as a coherent match between the two
11. When viewed from the access road the proposed replacement metal window would appear as a discordant addition and alteration to the existing building and would detract from the repeated architectural form and details of which the white sash timber windows form part. The proposal would, therefore, appear as an incongruous alteration to the host property and would interrupt the coherence and commonality of the group of mansion blocks of which the host building forms part.
12. I find that the proposed development would materially harm the character and appearance of the host property, and that of the terrace of which it forms part. I further find that the proposed development would harm the historic character and appearance of the dwelling and would not sustain or enhance the significance of the building as a non-designated historic asset, the harm to which would be less than substantial.
13. The proposal would also detract from the existing substantial retained uniformity between buildings in the terrace, which helps to define the character

¹ Council Planning Ref 2018/3478

and appearance of the CA. The proposed development does not, therefore preserve or enhance the character or appearance of the CA, the harm to which would be less than substantial.

14. The appellant has drawn my attention to previous planning approvals for similar alterations that involve balcony enclosures and alterations to the contiguous window. From my site visit I was able to see where a similar approach to that proposed for the replacement metal window has been implemented on a neighbouring dwelling in the adjacent block. Whilst this appears to have been the subject of an earlier approval, I find that this approach constitutes a discordant addition and alteration to the existing building. These would have been considered on their own merits and I have, likewise, considered the proposed development on the same basis, having regard to the apparent effect of these earlier approvals.
15. The appellant has suggested a condition on a planning approval that would require the proposed aluminium window to have a white or off-white finish. In accordance with the paragraph 55 NPPF I have, therefore, considered whether an otherwise unacceptable development could be made acceptable through the use of conditions.
16. To allow conditions to be applied to a permission in accordance with Planning Practice Guidance (PPG), it is first necessary to be able to establish what, if any, adverse impacts a development may have, in order to enable development to proceed with conditions that would mitigate those adverse impacts where it would otherwise have been necessary to refuse planning permission. In this case I have established that as well as the finished colour it is the dimensions, appearance and form of opening of the proposed replacement window that result in the adverse impacts. I do not, therefore, consider that a condition requiring the finished colour of the proposed metal window to be white or off-white could be applied to a permission for the proposal to make it acceptable and would, therefore, not be in accordance with paragraph 55 of the NPPF and the PPG.
17. For the reasons given above I find that the proposed development would be contrary to Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document (2016), policy 7.8(D) of the London Plan and guidance in the Battersea Park Conservation Area Appraisal Management Strategy, which collectively seek to ensure that development is of a high standard of design, reflect the scale and character of the existing development, respect and enhance its townscape and conserve and enhance heritage assets including conservation areas and non-designated heritage assets. For these reasons the proposal would also not accord with sections 12 and 16 of the Framework.

Planning Balance and Conclusion

18. I acknowledge the appellants view that the proposed metal replacement window extension would appear as a coherent piece, which is likely to be more apparent when viewed from within the appeal dwelling. However, in general, planning decisions should be made in the wider public interest. In this context, the harm I have identified, including the less than substantial harm to the CA

and the non-designated heritage asset outweighs these benefits. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR