



Appeal Decision

Site visit made on 22 March 2021

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/X5990/W/20/3262105

49-50 Chagford Street, London, NW1 6EB

- 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 Ali Al-Jawad (Abrar Islamic Foundation) against the decision of Westminster City Council.
 - The application Ref 20/04851/FULL, dated 29 July 2020, was refused by notice dated 29 September 2020.
 - The development proposed is the retention and alterations to uPVC windows to the front elevation of an existing building within a Conservation Area and the removal of existing external plastic waste pipework and other small works as described in accompanying documents following a notice of pending enforcement action dated 1 June 2020.
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Decision

1. The appeal is dismissed in so far as it relates to the retention and alterations to uPVC windows to the front elevation of the building and retrofit glazing bars. The appeal is allowed in so far as it relates to the removal of existing external plastic waste pipework, soil stacks repositioned and vented through the roof and alterations to the front door and planning permission is granted in accordance with the terms of the application Ref 20/04851/FULL, dated 29 July 2020, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, in so far as it relates to the removal of existing external plastic waste pipework, soil stacks repositioned and vented through the roof and alterations to the front door only, shall be carried out in accordance with Drawing No. 4 Proposed Street Elevation (Dated July 2020).

Procedural matters

2. I have not adopted the wording used in the banner heading in my formal decision. Instead, (and subject to adding reference to the alterations to the front door, which is expressly commented upon by the Council in their statement of case) I have adopted the description of development set out by the Council in its decision notice as it more accurately describes the proposed development and I note this description was used by the applicant on their appeal form.

3. The development proposed comprises two principal elements. The first main element is the retention of uPVC windows, that have already been installed, on the front elevation of the building, with the retrofitting of glazing bars. The second main element is the rationalisation of the external pipework and alterations to the front door. As these two elements are physically separate and the uPVC windows have already been installed, I consider that these two principal elements can be considered separately, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Dorset Square Conservation Area (the conservation area).

Reasons

5. Chagford Street mews comprises a mix of buildings of different scale, design, materials and age, but I would concur with the findings of the Dorset Square Conservation Area Audit¹ that the street retains its mews character, with a number of traditional features including mews doors and hayloft doors, despite much rebuilding. At street level, the eastern boundary of Chagford Street is dominated by the rear walls of the Clarence Gate Gardens Mansion Blocks along much of its length, but this adds to the narrow and secluded nature of the mews.
6. Nos 49-50 Chagford Street (the appeal building) is a simply detailed, two-storey brick building of traditional design. Given its plain design, the windows on the front elevation of the building form an important part of its character and appearance. The Council advise that prior to the installation of the current uPVC windows the fenestration of the building was a mixture of timber sash windows to the upper floors and timber casement windows to the ground floor with integrated glazing bars and horns which made a positive contribution to the Dorset Square Conservation Area and the building.
7. The uPVC windows that have been installed comprise a mix of fixed and top-hung, outward-opening, casement windows. In addition to their markedly different design, the uPVC frames installed are thicker than the timber frames evident on the original and new wooden sash windows found nearby and uPVC has a different, more uniform finish, than wood. Taken together these differences result in an incongruous design of replacement windows that are unsympathetic to, and detract from, the character and appearance of the appeal property.
8. I do not consider that the retrofitting of glazing bars or the locking of top hung sashes would make any material impact to the appearance of the windows in terms of their overall design, thickness of frames or materials used and thus would not overcome the concerns I have identified.
9. I find that the replacement windows harm the character and appearance of the appeal property and fail to preserve or enhance the conservation area and that harm would be materially unchanged with the retrofitting of glazing bars and the other minor changes proposed. The harm that arises from the development is, and would remain even if the alterations were made, localised and therefore the impact on the conservation area as a whole is less than substantial within

¹ Conservation Area Audit & Management Proposals Dorset Square (2008)

the meaning of Paragraph 196 of the National Planning Policy Framework (the Framework).

10. In weighing the public benefits, the appellant has argued that the other works proposed, principally the rationalisation of the pipework at the front of the building would improve the character and appearance of the building.
11. I agree that the other works proposed weigh in favour of the scheme, however, the pipework to be rationalised (and the front door to be altered) are largely confined to the central section of the building, whereas the replacement windows extend along the full frontage.
12. Furthermore, I am clear that the replacement windows (whether altered or not) harm the character and appearance of the conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, and the Framework² requires that great weight should be given to a designated heritage asset's conservation.
13. As a consequence, the public benefits arising from the development do not outweigh the harm I have identified, and this is a matter to which I have given considerable weight and importance.
14. My conclusion is that the retention and alterations to uPVC windows to the front elevation of the building and retrofit glazing bars harms the character and appearance of the conservation area. Accordingly, I find the development does not accord with policies S25 and S28 of the Westminster City Plan (November 2016) and DES 5, DES 9, DES 1 and paragraphs 10.108 to 10.128 of the Westminster Unitary Development Plan (January 2007). These policies, and the supporting reasoned justification, amongst other things seek to conserve or enhance heritage assets and encourage good design, including in relation to the alteration of existing buildings, ensuring that the design and materials used reflect and are consistent with the existing building.
15. Turning to the second main element of the proposals, the rationalisation of existing pipework on the front elevation, the replacement of plastic rainwater pipes with black painted cast iron and alterations to the front door would help declutter the front of the building and replace features that are of unsympathetic design or use inappropriate materials. These changes would improve the appearance of the building and the contribution it makes to the character of the area. I note that the Council consider that these proposals would have been acceptable as a standalone application.
16. I find that the removal of existing external plastic waste pipework, soil stacks repositioned and vented through the roof and alterations to the front door would improve the character and appearance of the conservation area. Accordingly, the second main element of the proposals would be in conformity with the relevant policies of the Westminster City Plan and the Westminster Unitary Development Plan.

Other matters

17. My attention has been drawn to some alterations, including the use of uPVC windows with mock glazing bars on the ground floor, of the next-door property

² Paragraph 193

No. 47/48. I have no detailed information before me about the property or its planning history, so I can only attach limited weight to this consideration. I must in any event also assess each case on its merits first against the prevailing policy background.

Conditions

18. In addition to the standard time condition, I have imposed a condition specifying the relevant drawing as this provides certainty.

Conclusion

19. For the reasons I have set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed in so far as it relates to the retention and alterations to uPVC windows to the front elevation of the building and retrofit glazing bars, and be allowed in so far as it relates to the removal of existing external plastic waste pipework, soil stacks repositioned and vented through the roof and alterations to the front door.

Anthony Thompson

INSPECTOR