



Appeal Decision

Site Visit made on 6 May 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/X5990/W/20/3258273

32A, 33, 33A Alexander Street, London, W2 5NU

- 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 Mrs Frances Marsh against the decision of City of Westminster Council.
- The application Ref 20/02067/FULL, dated 23 March 2020, was refused by notice dated 10 August 2020.
- The development proposed is described as 'windows and door replacement'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted uPVC sash window and door elevations¹ show seven replacement windows and one set of doors. However, the existing and proposed rear elevation on drawing numbers 4495;4496;4685/PP/02-03 both omit window 05. They do not accurately reflect my observations of the number of openings on the rear elevation. Nevertheless, the annotated photographs provided in drawing 4495;4496;4685/PP/02 are accurately labelled and correlate with the number of windows and doors proposed. Therefore, I am satisfied that there is sufficient information provided to make my determination.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host buildings with particular reference to whether the proposal would preserve or enhance the character or appearance of the Westbourne Conservation Area.

Reasons

Character and appearance

4. The Westbourne Conservation Area (CA) is predominantly comprised of three and four storey residential terraced buildings dating from the 19th Century. A notable part of its significance is derived from the architectural coherence of the buildings. The ordered street layout reflects differing levels of ornamentation and detailing on the principal and rear elevations respectively. Nevertheless, despite generally having a plainer appearance, many rear elevations of terraces still possess some original architectural features, including the fenestration. This cumulatively makes a valuable contribution to

¹ Drawing numbered 4495;4496;4685/PP/04 & 4495;4496;4685/PP/05

the overall aesthetic quality of the townscape and CA. I have a statutory duty² to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

5. 32A, 33 and 33A Alexander Street are within two mid terrace, three storey properties. They form part of a wider terrace on the eastern side of the street that generally typifies the characteristics described above. Although a patchwork of alterations and extensions have taken place on the rear elevation of the appeal properties, the upper storeys in particular still retain a considerable number of traditional timber sash windows. Whilst the sizes of openings vary, there is a consistency to the window design, reveals and vertical proportions used. The slender timber frames, mid-rails and glazing bars between individual panes of glass add elegance and interest to the otherwise somewhat functional mostly brick rear elevations. Accordingly, they contribute positively to the appearance of the buildings, the wider terrace and to the significance of the CA.
6. The proposal would replace seven timber sash windows with uPVC sash windows. In addition, one set of uPVC glazed doors would be installed at ground floor level replacing timber framed doors. The proposed fenestration would be unlikely to successfully replicate the existing windows and door for the following reasons. Firstly, the frames would be made of a different material which would have a high gloss finish. Secondly, uPVC double glazed frames are generally manufactured to be thicker with applied glazing bars and horns to the windows. This would result in a noticeably cruder profile than the existing windows and door and the limited section details³ provided would not lead me to think otherwise. It is not specified whether the existing reveals would be respected, but even if they were, the replacement windows would not have individual panes of glass between glazing bars. These factors affect the way the windows reflect light.
7. Combining these seemingly small details together would, contrary to the appellant's assertion, noticeably dilute the elegant qualities of the original fenestration. This is reinforced by advice in the Development and Demolition in Conservation Areas, Supplementary Planning Guidance 1994 (SPG) and explanatory text in paragraphs 10.56 and 10.118 of the City of Westminster Unitary Development Plan, January 2007 (UDP). The SPG states that it is rarely possible to produce a replacement window or door in uPVC which replicates accurately a traditional timber window or door. The supporting text to the UDP indicates that in general alterations should be carried out in materials to match the existing or in keeping with the character and appearance of the CA and that uPVC replacements would not normally be acceptable. Although I acknowledge that improvements to uPVC sash window manufacture are likely to have been made since the publication of the SPG, the limited evidence before me does not demonstrate that the proposed windows and door in this case would be accurate replicas of those to be replaced.
8. The appellant highlights that the alterations would not be seen from Alexander Street and contends that therefore, it would not detract from the area's character. Nevertheless, at my site visit I was able to glimpse the rear elevation from Durham Terrace through a gap between buildings. In addition, it would be possible to see the development from the rear of properties in

² Section 72, Planning (Listed Buildings and Conservation Areas) Act 1990

³ Drawing Nos: 4495;4496;4685/PP/06 & 4495;4496;4685/PP/07

Durham Terrace. Moreover, as many of the windows serve upper floors, they have greater prominence due to their height. Accordingly, it would have an adverse impact on the overall impression of the terrace and in any event, I am not aware that the statutory duty mentioned above is confined to public vantage points.

9. It follows that the proposal would erode rather than preserve the character and appearance of the CA, albeit that this would be less than substantial harm. Paragraph 196 of the National Planning Policy Framework (the Framework) stipulates that in these circumstances the harm should be weighed against the public benefits of the proposal.
10. The primary benefit of the development would be the improved energy efficiency of the appeal buildings. The use of uPVC would also reduce the level of maintenance required and therefore, the associated servicing activity and traffic would decrease. These factors amount to environmental benefits. Nevertheless, the benefits directly arising from the alterations are not quantified and in view of their modest scale, the degree of benefit would be small. Moreover, the evidence provided does not amount to a rigorous assessment of the overall environmental impacts arising from the development which might also take account of the manufacturing processes for the replacement windows and doors. Neither, is there any comparison with alternatives that could have less harmful impacts to the character and appearance of the area but might also result in lower heating costs.
11. Therefore, overall, these benefits attract limited weight. This would not outweigh the harm to the significance of the CA which, even though it is less than substantial, in line with paragraph 193 of the Framework, attracts great weight.
12. The appellant considers that other alterations and window replacements to the rear of the terrace at Alexander Street lack uniformity. Reference is made to uPVC window replacements in the vicinity and a uPVC conservatory to the rear of Durham Terrace nearby, although it is not suggested that the Council recently granted planning permission for these developments. My observations of the area were that many of the alterations appear to be longstanding. Whilst they form part of the context, some are unsightly and do not make a positive contribution to the character and appearance of the area. As such, they do not present a sound basis to justify further harmful development. If anything, my observations of the uPVC replacement windows nearby reinforce the concerns I have identified and hence, do not carry weight in favour of the development.
13. The operation of permitted development rights in circumstances other than those before me carries little weight in favour of the proposal as neither the statutory duty nor policies of the development plan would be applicable.
14. The appellant signals her agreement not to replace the door with a uPVC variety. However, this conflicts with the drawings that have been submitted and as I do not have details of what alternative design or material is proposed, I cannot be satisfied that it would preserve or enhance the CA. On this basis, a split decision would not be appropriate.
15. Accordingly, I find that the proposal would be harmful to the character and appearance of the appeal buildings and would fail to preserve or enhance the character and appearance of the CA. Therefore, it would conflict with policies

S25 and S28 of the Westminster City Plan, November 2016 (WCP), as well as policies DES1, DES5 and DES9 of the UDP. Taken in combination, and amongst other matters, these policies seek development of the highest standards of architectural quality which conserves the significance of conservation areas.

Other Matters

16. The appellant raises concerns that the Council made its determination without visiting the appeal site. In determining the proposal, I have taken the evidence before me into account, which included observations made during my site visit.
17. The appellant points to the absence of objections received from the neighbours consulted during the planning application. However, this does not equate to representation in support for the proposal. Furthermore, it ignores the objection received from the South East Bayswater Residents' Association. In any event, I have determined the proposal on its own merits.

Conclusion

18. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴. The proposal conflicts with policies in the development plan and the limited weight given to other material considerations would not justify my determining the development otherwise.
19. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.