



Appeal Decisions

Site Visit made on 26 October 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 NOVEMBER 2021

Appeal A Ref: APP/X5990/W/21/3276470

Flat 14, Belgrave House, 92-94 Belgrave Road, London SW1V 2BJ

- 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 Ms Daria Fomina against the decision of City of Westminster Council.
 - The application Ref 21/02209/FULL, dated 6 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is replacement windows to flat on rear elevations.
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Appeal B Ref: APP/X5990/Y/20/3262536

Flat 14, Belgrave House, 92-94 Belgrave Road, London SW1V 2BJ

- 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 Ms Daria Fomina against the decision of City of Westminster Council.
 - The application Ref 20/03087/LBC, dated 15 May 2020, was refused by notice dated 1 September 2020.
 - The works proposed are replacement windows to flat on rear elevation.
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. The appeals relate to a listed building in a conservation area. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.
4. The application for listed building consent which is the subject of Appeal B (the Appeal B application) was submitted to the Council with a separate application for planning permission¹ for the works, which was also refused. A separate appeal against that refusal of planning permission was turned away. Appeal A relates to a further application for planning permission for the works (the Appeal A application) that was subsequently submitted to, and refused by, the Council. The Council has confirmed that the proposals which form the subject of Appeal A are the same as those which were previously refused. I am therefore satisfied that the works proposed in Appeal A and Appeal B are the same and I have considered the appeals together on that basis.

¹ Application reference: 20/03086/FULL

5. The London Plan 2021 and the City of Westminster City Plan 2019-2040 (the new City Plan) were adopted after the Council refused the Appeal B application, but before it refused the Appeal A application. The Council has confirmed that the new City Plan policies in its reason for refusal of the Appeal A application are consistent with the policies from the Westminster City Plan November 2016 (the former City Plan) and the Unitary Development Plan which are cited in its reason for refusal of the Appeal B application. I have considered the appeals on the basis of the London Plan 2021 and the new City Plan policies, and have given the main parties the opportunity to comment on these matters with regard to both Appeal A and Appeal B.
6. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have based my decisions on the revised Framework.

Main Issue

7. The main issues are:
 - whether the proposals would preserve the grade II listed building, 78-130, Belgrave Road SW1, and any of the features of special architectural or historic interest that it possesses; and
 - the effect of the proposals on the character and appearance of the Pimlico Conservation Area (PCA).

Reasons

Listed building and PCA – special interest and significance

8. The appeals relate to a flat within converted houses, 92-94 Belgrave Road, which are part of a grade II listed, mid-19th century residential terrace, within the PCA. With its regular fenestration and detailing, and its staggered frontage stepping forward and back at intervals, there is a strong rhythm to the terrace's front elevation.
9. The terrace's rear elevation has been more extensively altered, including with infill extensions which have been added between the historic closet wings on the second and third floors of the houses at 92-94 Belgrave Road. Part of the flat to which these appeals relate (the appeal property) is within the third floor of one of those infill extensions. The rear windows in that part of the property are fitted with double glazing and their frames are notably thicker than those of the building's remaining historic timber windows, including the single glazed sash window in the appeal property's kitchen. Nevertheless, although they are modern in appearance and seen in the context of a modern addition which is of limited significance to the interest of the listed building, those existing windows are framed in timber, a traditional, authentic material which is sympathetic to the age and character of the building.
10. The appeal property has a historic, single-glazed, timber-framed sash window in the rear elevation of its kitchen, within the historic closet wing. Although the architectural interest of the listed building's rear elevation has been diminished by some later alterations and additions, those historic closet wings, openings and timber sash windows which have been retained still contribute to its historic and architectural interest.

11. Therefore, insofar as it relates to these appeals, the significance of the listed building arises from the elements of historic fabric and architectural detailing which it has retained, and from the use of sympathetic traditional materials.
12. The PCA in the vicinity of the site includes streets of classically detailed residential terraces, similar in age and style to the appeal terrace. Insofar as it relates to these appeals, the significance of the PCA is drawn from the architectural detailing of the buildings and the strong rhythm and pattern of fenestration to their long, terraced frontages. The appeal property, within one such terrace, contributes to the character and appearance of the PCA.

Effects of the proposals on the listed building and the PCA

13. The removal of the single-glazed, timber-framed sash window from the rear elevation of the appeal property's kitchen, within the closet wing, would result in the loss of historic fabric. I have not been provided with detailed elevation or section drawings showing the replacement window proposed in that opening. Therefore, I cannot be certain that it would be identical in all respects to the existing timber window, including with regard to the thickness and depth of its frames or glazing, or that it would thus preserve the distinctive profile or appearance of the historic sash window. In any event, the loss of that historic window and its replacement with a window framed in UPVC, a modern, synthetic material, would harm the authenticity and architectural interest of the listed building.
14. The window proposed in the infill extension would have a similar glazing pattern to that of the existing window that it would replace. The incorporation of a glazed panel in place of the existing timber panel in the lower part of that window would be consistent with the appearance of other openings in this and the neighbouring infill extension. Nevertheless, even if its frames and glazing were similar in thickness and depth to those of the existing double glazed timber windows in that opening, the proposed window would be framed in UPVC. It would therefore introduce a non-traditional, modern, synthetic material which would not be authentic or sympathetic to the historic character or traditional materials of this 19th century terrace.
15. I note the appellant's intention that the window frames would be constructed of high-quality materials. However, even if they matched the colour of the existing window frames and were detailed to mimic the appearance of timber, the patina and machine-produced finish of plastic would not accurately match the more irregular, informal appearance of painted timber. Those differences between the proposed windows and the existing timber-framed windows would be discernible close-up, including in views from within the appeal property and from the external rear terrace on the floor below.
16. Therefore, the replacement window proposed in the rear of the infill extension would also fail to preserve the special interest of the listed building, even compared to the modern timber window it would replace.
17. As the works would be to the rear of the building, they would not be readily visible in public views. However, the replacement windows would be evident in the context of the listed building from the rear terraces below the appeal property and from numerous rear windows in the terrace to the rear, despite the presence of intervening vegetation. In any event, listed buildings are

protected for their own sake and harm to a listed building is not reliant on the existence of public views.

18. In the context of the PCA as a whole, the proposed works would be very small in scale and would not be readily visible from public vantage points within the PCA. Therefore, notwithstanding the harm I have identified to the listed building, I am satisfied that the proposed works would not harm the character or appearance of the PCA.
19. I have been referred to the presence of other UPVC windows within the appeal terrace and nearby buildings. However, I do not have full details before me of the circumstances in which those other windows were installed. Therefore, I cannot be certain that they were directly comparable to those in the appeals before me. In any event, I have considered these appeals on their own merits and any existing harm which has arisen in that regard does not justify the further harm that would arise as a result of the proposals before me.
20. I have been referred to a permission granted by the Council for the replacement of rear windows in another part of the building's rear infill extensions². However, from the limited information provided, it appears that the replacement windows permitted in that case were timber, and therefore not directly comparable to the UPVC windows proposed in this case. My attention has also been drawn to appeal decisions from 2008 relating to the installation of UPVC windows in a listed building³. However, based on the very limited information provided, it appears that the UPVC windows approved in that case replaced aluminium, not timber, windows. Therefore, on the basis of the evidence before me, it appears that the circumstances in those other cases cited were not directly comparable to those in the current appeals. In any event, notwithstanding those other decisions referred to, I have considered these appeals on their own planning merits.
21. Given the above, although I have found that the proposals would not harm the character or appearance of the PCA, I conclude that they would cause harm to the special interest of the listed building, 78-130, Belgrave Road SW1.

Public benefits and conclusion on the main issue

22. In the context of the listed building as a whole, the harm arising would be less than substantial. However, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal.
23. The inclusion of an additional glazed panel within the proposed window in the rear of the infill extension would allow additional light into the appeal property. However, any benefits arising in that regard would be private, rather than public in nature. Furthermore, the evidence before me does not indicate that such benefits could only be achieved via the insertion of UPVC windows. Therefore, this carries little weight as a public benefit.
24. I noted during my visit that parts of the existing timber frames of the window in the rear of the infill extension were rotten and damaged. The appellant has indicated that the proposed windows would not be subject to the same level of

² Application reference: 12/09922/FULL

³ Appeal references: APP/X5990/E/07/2051730 and APP/X5990/A/07/2051731

weathering. However, I do not have any detailed evidence before me to suggest why the existing frames have deteriorated as they have. Nor do I have compelling evidence to indicate whether alternatives have been explored which would resolve such issues without the need for UPVC windows.

25. Therefore, from the evidence before me, I cannot be certain that the UPVC windows proposed would necessarily be the only means of addressing the deficiencies that have been identified with regard to the existing windows or achieving the benefits referred to. Consequently, the weight I afford any such public benefits is limited and does not outweigh the harm I have identified.
26. Given the above, I conclude that the proposals would fail to preserve the special interest of the grade II listed building, 78-130, Belgrave Road SW1. The harm arising would not be outweighed by any public benefits arising from the proposals.
27. The proposals would therefore conflict with Policies 38, 39 and 40 of the new City Plan, which require proposals to preserve the special interest of listed buildings and to be sensitively designed, having regard to materials. They would also conflict with the guidance in the Council's Repairs and Alterations to Listed Buildings Supplementary Planning Guidance, which provides further advice in that regard.

Conclusion

Appeal A

28. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that **Appeal A** should be dismissed.

Appeal B

29. For the reasons given, I conclude that **Appeal B** should be dismissed.

Jillian Rann

INSPECTOR