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# Appeal Decision

Site visit made on 7 December 2021

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 DECEMBER 2021**

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**Appeal Ref: APP/X5990/D/21/3284760**

**29 First Avenue, London W10 4NR**

- 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 Hannan Miah against the decision of City of Westminster Council.
  - The application Ref 21/04964/FULL, dated 20 July 2021, was refused by notice dated 13 September 2021.
  - The development proposed is 3 x replacement UPVC windows.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application to which this appeal relates is retrospective in nature and, at the time of my visit, UPVC windows had been installed at the property which appeared consistent with the windows shown on the submitted drawings. I have considered the appeal on this basis.
3. The Council's decision was based on a revised drawing submitted during the application, which was amended to include further details of the windows. I have based my decision on the revised drawing (number 284-02-AB-01-C) and, as the Council has confirmed that it was the subject of publicity during the course of the application, I am satisfied that no party would be prejudiced by my doing so.
4. The appeal site is within a conservation area. I am mindful of my statutory duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have considered the appeal accordingly.

## Main Issue

5. The main issue is whether the development preserves or enhances the character and appearance of the Queen's Park Estate Conservation Area (QPECA).

## Reasons

6. The QPECA encompasses the Queens Park Estate, a 'cottage estate' of two storey terraced houses, built in the late 1800s by the Artizans, Labourers and General Dwellings Company with the aim of providing improved working class housing.

7. Although there is some variety between the individual terraces in the Queen's Park Estate with regard to the inclusion of features such as porches and bay windows, overall the character and appearance of the QPECA are defined by a high degree of consistency in the architectural style, materials and detailing of the houses within it. Insofar as it relates to this appeal, the significance of the QPECA is derived from that consistency in the appearance and detailing of its houses, and from its resultant strong, cohesive character, which distinguishes the estate from surrounding built developments.
8. One of the distinctive, consistent architectural features which characterise the houses within the QPECA is their single glazed, double hung, timber sliding sash windows. In the houses on First Avenue and other streets within the QPECA, those historic windows have a distinctive glazing pattern, with vertical glazing bars which create a margin light detail. Alterations have been carried out to other houses in the same terrace as the appeal property and the wider QPECA, and some have had their windows replaced. Nevertheless, many of the houses within the estate and the appeal terrace have retained those timber sliding sash windows, which make a positive contribution to the cohesive appearance of the long terraced frontages and the distinctive, homogeneous character of the QPECA.
9. The appeal development comprises the installation of UPVC framed, double glazed windows to the appeal property's front elevation. The application form indicates that the windows they have replaced were timber. However, I have no details before me regarding the appearance of those former windows. In any event, as it is clear that they have now been removed, I afford little weight to those former windows. I have considered the replacement windows on their own merits.
10. The installed windows are each comprised of two separate, top-hung opening sections. Consequently, they do not preserve the distinctive sliding sash opening mechanism which characterises the historic windows in the QPECA, a difference that would be discernible whether the windows were open or closed. Furthermore, they are framed in UPVC, a modern, synthetic material which is not sympathetic to the appearance or traditional materials of the distinctive historic timber windows that characterise the houses in the QPECA.
11. The installed window frames are significantly thicker and wider than the slim timber frames of the QPECA's historic sash windows. The double glazed units, and the deeper frames required to accommodate them, are also deeper in profile than those of the historic single glazed windows. That greater depth, and the wide cavities between the panes in the double glazed units, are evident in oblique views of the windows from the footway in front of the house. As a result of the thickness and depth of their frames and the double glazed units within them, the windows have an unduly bulky, heavy appearance and appear highly incongruous in the context of the slim, elegant, single glazed historic sash windows which characterise the area.
12. The installed windows include a vertical glazing bar detail which seeks to mimic the glazing pattern of the QPECA's historic windows. However, those glazing bars are positioned between the panes within the double glazed units. They are discernibly different in appearance compared to the glazing bars which project from, and separate the panes within, the QPECA's historic sash windows, and do not accurately or authentically replicate those historic features.

13. My attention has been drawn to numerous examples of UPVC replacement windows elsewhere on First Avenue and within the wider QPECA. However, I do not have full details before me of those alterations or the circumstances in which they were carried out. Therefore, I cannot be certain that they were directly comparable to the case before me. In any event, I have determined this appeal on its own planning merits. Any existing harm to the QPECA which has arisen as a result of other unsympathetic alterations elsewhere in the area does not justify the further harm that arises as a result of the development before me.
14. I am advised that permission has previously been granted for other works to the appeal property. However, I do not have details of those works and cannot be certain of the circumstances in which they were permitted or that they were comparable to the development now before me which, in any event, I have considered on its own planning merits.
15. For the reasons given, the installed windows represent an incongruous and unsympathetic intervention which erodes the distinctive, consistent appearance and cohesive character of the appeal property's terrace and the wider QPECA. They therefore result in harm to the character and appearance of the QPECA. The harm to the QPECA is less than substantial. Nevertheless, 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. In this case, no public benefits have been put forward in support of the scheme.
16. Given the above, I conclude that the development does not preserve or enhance the character or appearance of the QPECA. It therefore conflicts with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040, which require development to positively contribute to the townscape and preserve the character and appearance of conservation areas, and that alterations respect the character of existing buildings. It also conflicts with the Framework, which requires heritage assets to be conserved in a manner appropriate to their significance.

### **Other Matters**

17. Although I have been advised that the appellant was not aware that planning permission was required when they carried out the works, this has no bearing on my decision. I have considered the proposal on its planning merits and find it unacceptable for the reasons given.

### **Conclusion**

18. The development conflicts with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

*Jillian Rann*  
INSPECTOR