



Appeal Decisions

Site visit made on 18 January 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal A Ref: APP/X5990/W/21/3277707

Flat 24, Barness Court 6-8 Westbourne Terrace, LONDON, W2 3UW

- 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 Riccardo Brizzi against the decision of City of Westminster Council.
 - The application Ref 21/01785/FULL, dated 12 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is Layout adjustment, full refurbishment and replacement of all windows in the flat.
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Appeal B Ref: APP/X5990/Y/21/3277708

Flat 24, Barness Court 6-8 Westbourne Terrace, LONDON, W2 3UW

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Riccardo Brizzi against the decision of City of Westminster Council. The application Ref 21/01786/LBC, dated 12 March 2021, was refused by notice dated 13 May 2021.
 - The demolition proposed is Layout adjustment, full refurbishment and replacement of all windows in the flat.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed, and listed building consent is refused.

Preliminary Matters

3. There are two appeals before me. To avoid duplication, my reasoning has considered them together where appropriate.

Main Issues – Appeals A and B

4. The main issue is whether the development and works would preserve the Grade II listed 6–30 Westbourne Terrace, or any features of special architectural interest and/or historic character that it possesses, including setting, and the settings of other listed buildings including the Grade II listed 9–14 Westbourne Crescent and 8, 2–7 Westbourne Crescent; and whether the development and works would preserve or enhance the character or appearance of the Bayswater Conservation Area.

Reasons

Listed buildings

5. Numbers 6–30 Westbourne Terrace (Nos 6 -30) is an imposing stuccoed terrace, comprising four storeys with basement and attic to its central and outer bays, and thought to date from the 1840's. Its long principal elevation faces Westbourne Terrace with a repeating pattern of projecting Tuscan porches, first floor and second floor balconies and parapet roofs. The terrace is highly ornamented, and the consistency of extravagant detailing and typology makes a significant visual statement and highly distinctive contribution to the street scene.
6. Flat 24 is the top floor of an attached flatted residence (Barness Court) which dates from the mid-20th century and appears to occupy the footprint of an earlier rear and side wing at Nos 6 – 30. Barness Court's flat front elevation faces Westbourne Crescent and is punctuated by a grid of similarly sized square window openings, with a mix of sliding or top hung sash windows, four light casements and single pane windows. Flat 24 is slightly set back from the elevation below by a shallow balcony. The listing refers only to the 19th century terrace.
7. To the west Barness Court is attached to another stuccoed terrace, 9-14 Westbourne Crescent (Nos 9-14). This building also dates from the 19th century and has a similar Italianate style to Nos 6-30, with projecting fluted Doric porches, triglyph friezes, first floor balconies and square headed windows.
8. There are also listed buildings of similar architectural style and quality at 8 and 2–7 Westbourne Crescent (Nos 8 and 2-7), on the other side of the road from Barness Court.
9. The significance of Nos 6-30 is derived from its high quality and intact 19th century fabric and detailing, the showy Italianate ornamentation, and the repetition and consistency of the original building. The differences in storey heights and layout reinforce the arguments that Barness Court is a later addition to the terrace fronting Westbourne Terrace, even if built on a 19th century footprint. As such, although Barness Court links Nos 6-30 and Nos 9-14, it is a neutral foil to those highly decorative terraces and has little inherent heritage significance. Nonetheless, it is part of the listing for Nos 6-30 and also contributes to the setting of Nos 9-14 and Nos 8 and 2-7.
10. The significance of the neighbouring terraces also arises from their intact and distinctive historic fabric, as well as the reciprocal and overlapping contributions they make to the setting of Nos 6-30 and other nearby listed buildings.

Conservation Area

11. The appeal site lies within the original planned Hyde Park Estate, which was developed in the early 19th century. The current layout and built form of the Bayswater Conservation Area (BCA) area reflects the London's 19th century expansion of London and the fashion for classical Italianate influences prevalent at the time amongst developers and their potential clients.

12. The dominant built form is that of stuccoed terraces whose strongly repetitive form lines treed streets, squares and gardens and contains more intimate mews spaces behind. Numbers 6–30 is a considerable contributor to the impressive aesthetic qualities of Westbourne Terrace. The significance of the BCA is derived from its intact historic fabric, reflected in the high proportion of listed buildings, the street layout and the wealth of remarkably intact and unaltered frontages.

Proposals and effects

13. The proposals would replace the existing door to the balcony with French doors, and the two top hung sash windows with a pair of French doors and an extended height single paned window. The third sash window facing the balcony, which appears to be in different ownership, would be unaltered.
14. Although the sash windows are in poor condition, there is a consistency in the fenestration, dimensions and alignment of the openings which, with the exception of Flat 24's door and side window, reflect and continue the window grid of the lower six floors.
15. The proposed French doors would introduce vertical elements and the single paned window would be enlarged in height. As such there would be pronounced inconsistency with the window grid below, as well as with the remaining sash window adjacent to Flat 24.
16. The pronounced verticality of the French doors is argued by the appellant to be positive to the appearance of Barnes Court, but there is no substantiating evidence to support this claim. Nor are arguments advanced for the replacement of the top hung sash window with a single paned window, or the heritage or other benefits to be gained from slimmer frames
17. The alterations to the opening sizes together with the divergence of the window design would be inconsistent with the remaining window on Flat 24's front façade, as well as out of keeping with the grid of openings on the floors below. Although Barnes Court's elevation is not wholly consistent in terms of window design and materials, there is a degree of uniformity with two light windows being in the clear majority. Introducing larger openings and different window designs on the top floor would undermine such uniformity as there is. It would also increase the top floor's visual prominence when viewing the façade as a whole. It would therefore detract from Barnes Court's neutral contribution to Nos 6–30.
18. It is argued that Flat 24's front elevation is largely unseen from the street, but this does not necessarily justify works that adversely affect a listed building. In any case the buildings opposing Barnes Court are several storeys tall. There would be views of Flat 24 from elevated positions within those buildings and the extent of the proposals would be far more visible. The fact that these would be private views does not lessen the weight given to those views.
19. At the rear, it is proposed to replace one narrow sash window with another, but to replace the larger sash window with a single paned window. Although the rear windows look out onto a very varied built environment which cannot be seen from the public domain, there are no arguments before me to explain the advantages of a single paned window. Again, this would appear incongruous with the dominant theme of two light windows on the remaining rear elevation

and as with the front elevation, lack of visibility from the public domain does not necessarily carry weight.

20. My concerns, as set out above, are related to the overall window design. Given the likely age of Barness Court I see no reason why timber frames should be considered to be any more authentic than aluminium. The frames would be white and could have a wood-textured finish. Given that the windows would be seen at a distance, I see no reason in principle to find harm in relation to the proposed materials. However, this does not lessen my concern in relation to the overall design of the windows and the doors. I conclude that the works would detract from the significance of Nos 6-30 significance, leading to less than substantial harm.
21. Barness Court also contributes to the setting of the other listed buildings nearby, and the development and works would detract from their settings, albeit to a lesser extent. It is also a contributor to the aesthetic qualities of the BCA and would detract from its character and appearance. The development and works would amount to less than substantial harm in relation to the settings of other listed buildings nearby, as well as to the BCA.
22. The development and works would fail to preserve the architectural interest and/or historic character of Nos 6-30, Nos 9-14 and Nos 8, 2-7, and would also fail to preserve or enhance the character or appearance of the BCA. This would be contrary to Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
23. The development and works would also be contrary to Policy 38 of the City Plan (CP) which requires development to positively respond to Westminster's townscape and streetscape, and CP Policy 39 which requires works to listed buildings to preserve their special interest amongst other considerations. They would also be contrary to CP Policy 39K which sets out to safeguard the character and appearance of conservation areas and CP Policy CP40 which requires development and works to respond positively to the character of the diverse and distinctive neighbourhoods.

Heritage balance

24. Paragraph 202 of the National Planning Policy Framework (the Framework) sets out that where a development proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal. In this case there is nothing before me to indicate that equivalent benefits in terms of heating efficiency and long-term durability could not be met by using fenestration designs that are more in keeping with the host building. In any case, those benefits are largely private and such very minor public benefits as there are, do not outweigh the harm identified above.

Other matters

25. The Council has not identified any harm in relation to the remodelling of the flat's interior and I see no reason to disagree.

Conclusion

26. The development and works would fail to accord with the Act, the Framework or relevant local policies. I conclude that they would be contrary to the

development plan taken as a whole and there are no material considerations of such weight to lead me to conclude otherwise.

27. Appeal A is dismissed.

28. Appeal B is dismissed, and listed building consent is refused.

A Edgington

INSPECTOR