



Appeal Decision

Site visit made on 30 May 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/X5990/W/22/3309523

9 Paddington Street, City of Westminster, London W1U 5QJ

- 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 Hannah Cooper against the decision of the City of Westminster Council.
 - The application Ref 22/02577/FULL, dated 14 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is described as 'Application for full Planning Permission for new doors and windows to flats 1, 2 and 6 facing an internal courtyard within 7 and 9 Paddington Street.'
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Decision

1. The appeal is allowed, and planning permission is granted for new doors and windows to flats 1, 2 and 6 facing an internal courtyard, at 9 Paddington Street, City of Westminster, London W1U 5QJ, in accordance with application Ref 22/02577/FULL, dated 14 April 2022 and the submitted details with it, 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) No development, hereby permitted, shall take place until details of the design of the new windows, including section and elevation drawings at scale 1:5 and 1:20, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 3) The development, hereby permitted, shall be carried out in accordance with the following approved plans: Location Plan Ref 2758-PD00, Existing and Proposed Courtyard Elevations Ref 2758-12 Rev. A, and Proposed Courtyard Plan Ref 2758-P13.
 - 4) All new works, hereby permitted, to the external surfaces of the building that is subject of this decision shall match those used in the existing building and maintained as such thereafter.

Preliminary Matters

2. I have made minor amendments to the description of development for the purposes of this formal decision in the interest of conciseness and to avoid duplication.

3. A drawing¹ has been submitted with this appeal which was not submitted with the original application. However, this drawing shows a floor plan of the proposed courtyard and does not include any changes to the proposal considered at the application stage. On this basis, I have considered the plan in this appeal, as to do so would not disadvantage those who should be consulted if changes to the original scheme were presented.

Main Issue

4. The main issue is the effect of the proposal on the character or appearance of the Harley Street Conservation Area.

Reasons

5. The appeal property is in the Harley Street Conservation Area (CA). The CA is based on an early 18th Century master plan; properties have been added over the following centuries, and the appearance of these properties are reflective of their respective architectural era. Despite this variation, the pattern of development in the CA is distinctive, comprising relatively uniform terraced properties. The distinctive architectural styles and generally consistent pattern of built form are the key features contributing to the historic significance of the CA.
6. Paddington Street and Nottingham Place fall into a sub character of the CA which is towards the outer edge of the CA.² This area has a more informal layout than the core of the CA and comprises primarily late Victorian/Edwardian townscape with mixed uses.
7. The front entrance to the apartments, subject of this appeal, is on Paddington Street between Nos 7 and 9. This street is lined by terraced properties which are unlisted buildings of merit; Nos 7 and 9 form the end of this terrace, at the corner of Nottingham Place.³ No 9, in particular, has an imposing and decorative façade in the Queen Anne style, and is understood to date from the Edwardian era. From the front, these non-designated heritage assets are in keeping with the historic pattern of development in this sub area of the CA, and this, along with the façade details outlined above, the appeal property positively contributes to the significance and historic interest in this part of the CA.
8. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. When determining applications, the National Planning Policy Framework (the Framework), at Paragraph 197, sets out matters which should be taken into account, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
9. The rear of Nos 7 – 9 has been infilled and a courtyard has been formed at the first floor level at the appeal property. The courtyard is flanked by the elevations of apartments. In this courtyard, Flat 2's elevation appears to only

¹ Ref: Proposed Courtyard Plan 2758 – P13

² Ref: Conservation Area Audit Harley Street

³ Ref: Conservation Area Audit Harley Street

have openings at this first-floor level. These openings are relatively modern and include windows and a French door. This eastern elevation is also topped by a solid party wall and the balconies of neighbouring properties. Flat 1 is the first floor of a four-storey elevation; and the first-floor bank of windows include a set of French doors. Also, the fourth storey of this southern elevation has a roof top addition that includes a sizeable expanse of windows as well as balcony railings.

10. The northern elevation, in which Flat 6 forms the first floor, has a relatively traditional pattern of fenestration that diminishes in height toward the upper floor level. However, even this elevation has a non-traditional opening of a French door at this first-floor level. Moreover, windows on this elevation are flanked by the substantially blank rendered wall of the corner property, and the considerably altered neighbouring property that has balconies at high level at its rear. As a consequence of these surroundings, the rear elevation of the appeal property is visually disconnected from any uniformity of fenestration that may still remain in this terrace of properties fronting Paddington Road.
11. Also, the appeal courtyard is bounded to the west by the mansard roof of the commercial property on Nottingham Place. I saw that this roof largely screens the courtyard and the rear first-floor windows of the appeal property from the street. As such views of the courtyard and these windows are limited to occupants of the apartments that surround the courtyard, and from the upper floor of the properties directly opposite the courtyard on Nottingham Place.
12. The proposal would alter the existing first floor openings on the three elevations that surround the courtyard at the appeal property. The existing windows would be replaced with openings which would extend to the floor and would include sliding doors on Flat 2's elevations. The new openings on Flat 1 and 6's elevations would have French doors flanked by sash style windows. There would also be an additional full height, sash window on the Flat 1's elevation.
13. The proposed openings would be larger than the existing windows and doors at the appeal property. However, as outlined above, the appeal property and its immediate neighbour is much altered at the rear, and the symmetry of fenestration which may have existed originally in this terrace is considerably diminished by these changes. As such additional changes could be absorb without harming the remaining historic interest of the appeal property and the wider terrace.
14. The proposed openings would retain the flat brick arches at the heads of windows and doors and this detail would be carried through to the east elevation at Flat 2. The openings would also include window bars reflective of the existing windows on the upper floor of the south and north rear elevations at Flat 1 and 6 respectively. Furthermore, the appellant states a willingness to accept a condition ensuring that the materials used in the frames of the openings would be sensitive to other windows in the appeal property and fenestration in the surrounding area.
15. The proposal would result in a change to the solid to void ratio at the first-floor level. However, the proposed openings would align with existing windows above and this would help retain a sense of balance in the rear fenestration of this property. Moreover, the proposed openings would ensure that the general proportions of fenestration distinctive in these period properties would be

respected in so much as the openings would be larger at the lower floor, with diminishing size of windows at the upper floor levels. In these regards, the proposal would appear sensitive to existing fenestration at the rear of the appeal property when viewed from the apartments which overlook this courtyard.

16. Alterations or replacement windows have been identified as a negative feature in the CA⁴. I also recognise that small changes can be harmful to a historic streetscape. However, given the existing anomalous features at the rear of Nos 7 – 9 and in the immediate vicinity of the appeal property, and the design detail outlined above, the resultant change in the fenestration would be accommodated without negatively disrupting any distinctive architectural uniformity or interest that contributes to the significance of this part of the CA. As a consequence, the proposal would preserve the character or appearance of the heritage assets in this area.
17. For the reasons outlined above I find that the proposal would not have a harmful effect on the character or appearance of the Harley Street Conservation Area. In this regard the proposal would accord with Policies 38, 39 and 40 of the City of Westminster City Plan 2019 – 2040. These Policies collectively required that all development will positively contribute to Westminster's townscape and streetscape. In respect of heritage, these policies require, amongst other matters, that development will ensure heritage assets and their settings are conserved, and alterations and extensions will respect the character of the existing and adjoining buildings and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings.
18. The proposal would also accord with the guidance of the Framework and the National Design Guide which seeks well-designed places and to protect heritage assets.

Conditions

19. In addition to the statutory time limit, it is necessary to ensure that the development accords with the approved drawings, and has materials to match the existing building, in the interest of certainty and to protect the character or appearance of the non-designated and designated heritage assets. The approval of details of the windows, prior to the commencement of the development, is also necessary for these reasons. Written approval has been given by the appellant for the imposition of this pre-commencement condition.

Conclusion

20. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal is allowed.

A J Sutton

INSPECTOR

⁴ Ref: Conservation Area Audit Harley Street.