



Appeal Decision

Site visit made on 29 June 2023

by R Lawrence MRTPI, BSc (hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2023

Appeal Ref: APP/K5600/W/23/3314248

Jerome House, 5-13 Glendower Place, Kensington and Chelsea, LONDON SW7 3DU

- 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 Peter Gray of the Zebra Housing Association against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/04382, dated 13 July 2022, was refused by notice dated 12 October 2022.
 - The development proposed is replacement windows, doors, downpipes and solar pv to existing roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has highlighted that the description of development excludes reference to the proposed railings. I note that the railings are included and shown on the proposed plans submitted. I consider that it is sufficiently clear from the plans that the roof railings form part of the proposal and I have determined the appeal on that basis.
3. The description of development makes reference to solar pv, I note these are also referred to as solar panels within the parties' submissions. I have determined the appeal on this basis and used the description of development as stated on the application form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises a group of five properties, which provide student accommodation, located centrally on Glendower Place. The buildings are not listed and do not fall within a Conservation Area. In the area there is a wide mixture of building type, style, size and design although the area is characterised by large scale buildings with traditional architectural features. The appeal buildings are no exception, with the buildings' proportions and detailing reflecting their age. This includes the windows and associated detailing which reflect the history of the building. Glendower Place is a short

- road and due to the scale of the appeal buildings, they heavily influence the character of the road.
6. The UPVC replacement windows and doors would introduce a modern material which would appear unsympathetic to the historic character of the buildings. Furthermore, based on the submitted evidence and plans, there is uncertainty over the thickness of the profile and width of the proposed window and door frames which, if significantly wider and/or thicker than existing, would add to that unsympathetic appearance. Aspects of the window and door design, including a sash window opening mechanism and decorative features, seek to reflect the Victorian period and would retain the symmetry within the building. These aspects are insufficient to override the visual harm resulting from the introduction of UPVC and overall, the modern material would erode the traditional architectural character of the buildings.
 7. In considering the impact, the extent of the change which would see all windows and doors replaced is a significant factor. The appeal buildings collectively make up a large proportion of the frontage onto Glendower Place, therefore exacerbating the visual impact of the proposed change.
 8. The local area includes a varied mix of fenestration materials, including UPVC. This includes on several other buildings on Glendower Place as well as neighbouring streets. I understand that the other examples on Glendower Place do not benefit from planning permission. It is not for this appeal to conclude on the lawfulness of the buildings cited, however, these nevertheless form part of the character of the area and as such are relevant to my assessment. These examples add to the variety of the area, however, are generally of a smaller scale and there is a sufficient retention of traditional materials such to preserve the historic character of the road. In the case of the appeal buildings, due to their scale, the degree of impact upon the street scene of Glendower Place would be much greater.
 9. I accept that no 21 Harrington Road, a mixed-use corner building that was allowed on appeal in 2010 (Ref APP/K5600/A/10/2127388), uses modern materials and provides a positive contribution to the street scene. Nonetheless, the whole building features a comprehensive modern design and is very different to the appeal scheme. This does not alter my view on the acceptability of the appeal scheme which must be assessed on its own merits.
 10. I note the suggestion of a condition to control the precise thickness of the window surrounds and opening mechanism. Whilst this could serve to limit the harm, I cannot be satisfied that an acceptable window thickness could be achieved, and even if I were, this would not address the full extent of the harm.
 11. The proposed railings would add visual clutter to the roofscape. However, their lightweight structure would minimise any impact. Furthermore, views of the structure from public vantage points would be very limited, due to the presence of intervening built form. Whilst I accept the railings would likely be visible from private vantage points, which Policy CL11 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP) seeks to protect, given the lightweight and modest nature of the proposed structure, any impact in this respect would similarly be very limited.

12. The proposal includes the installation of downpipes and solar panels. I note that the Council has not raised any particular objection to these elements of the scheme, I find no reason to disagree.
13. For the above reasons, the proposal in respect of the window and door alterations, would cause unacceptable harm to the character and appearance of the area. Therefore, the proposal would conflict with LP Policies CL1, CL2 and CL6 which collectively seek to ensure development respects the existing context, character and appearance. The proposed development would also conflict with the National Planning Policy Framework (the Framework) which requires developments to be sympathetic to local character.

Other Matters

14. I accept that there is a need for window alterations in order to improve the living conditions of the occupiers, together with the energy efficiency of the buildings. The appeal scheme has the potential to meet this need through modern materials such to improve noise attenuation and thermal efficiency. The Framework recognises the need for development which provides a high standard of amenity for existing and future users, as well as ensuring the future resilience of communities to climate change impacts. Whilst the appeal scheme could provide a solution, there is no substantive evidence that other solutions could not be found. As such, the potential improvements to living conditions do not, in this case, override the harm identified.
15. It is stated to be unusual practice for a Council to insist upon the installation of timber windows to buildings outside of the Conservation Area, and which are not listed. A change in materials on a building can in some cases result in visual harm to the character of the area, harm from uPVC materials is not limited to Conservation Areas or listed buildings.
16. There is a question raised over whether the window changes amount to development and therefore whether or not they require planning permission. This is not a matter for this appeal to determine, the appeal scheme has been submitted for planning permission (in the first instance) and must therefore be assessed against the development plan and any other material considerations.

Conclusion

17. The appeal scheme would be contrary to the development plan and there are no other matters which would indicate that planning permission should be granted. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR