



Appeal Decision

Site visit made on 19 April 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2024

Appeal Ref: APP/K5600/W/23/3334500

49 Ossington Street, Kensington and Chelsea, London W2 4LY

- 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 H Sanditen against the decision of The Royal Borough of Kensington and Chelsea Council.
 - The application Ref PP/23/02820, dated 29 June 2023, was refused by notice dated 6 July 2023.
 - The development proposed is the replacement of existing single glazed timber sash windows with double glazed uPVC sash windows, and existing single glazed timber casement windows with double glazed uPVC casement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Policy Framework (December 2023) (the Framework).

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal building and that of the local area, with reference to the Pembridge Conservation Area (the CA).

Reasons

4. The appeal building is a stucco 19th century five storey end of terrace property comprising four flats, which is located on the boundary of the Council Area with the City of Westminster. Along with the rest of the properties in the terrace, the appeal building is noted in the Pembridge Conservation Area Appraisal (2017) (the CA Appraisal) as a making a positive contribution to the character and appearance of the CA. The significance of the CA rests in its development as a residential area comprising a cohesive townscape of late Georgian and Victorian properties.
5. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable

importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal building's existing windows appear to be mainly original. The windows in the other properties in the terrace of which the appeal building forms part also appear to be original. The proposal would replace the existing timber framed single glazed windows with a uPVC alternative that would have a similar replicated framing to the existing sash and casement windows. The design of the proposed replacement windows would also have the potential to provide for improved security and energy efficiency through better insulation.
7. The existing windows, both in their timber frames and type of glass compliment the period and architectural detailing of the appeal building and the rest of the terrace. Whilst the proposed uPVC framed windows would replicate the general form of the existing windows, they would not replicate the age, fine detailing, patina and glass of the existing. The proposal would, therefore, result in unconvincing replacements that would not reflect the age and architectural quality or character of the appeal property.
8. The appellant has provided details of examples of uPVC replacement windows being permitted outside of the Council area, including through appeal¹. However, the building design, ages and group context appear to differ substantially from those of the appeal building and would have been considered on their own individual merits and I have done likewise in my consideration of the proposal.
9. As such, I find that the proposal would not retain the windows as original architectural features and the proposed uPVC replacements would stand in contrast to the original windows of the other properties in the terrace. This would result in the appeal dwelling having an incongruous appearance that would not reflect the character and appearance of the terrace as a whole. This would diminish the contribution that the appeal dwelling and terrace make to the significance of the CA.
10. For the reasons given above, the proposal would fail to accord with guidance in the Greening Supplementary Planning Document (2021) and would be contrary to Policies CL1, CL2, CL3, CL6 and CL11 of The Royal Borough Kensington and Chelsea Local Plan (2019), Policies D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the National Planning Policy Framework (2023). These collectively seek to ensure that development is sympathetic to the age and character of the host building and groups of buildings and reinforces their original integrity, does not harm the character and appearance of the existing building, respects the existing context, is of high architectural and urban design quality and preserves or enhances the appearance or character of conservation areas.

Planning Balance and Conclusion

11. The proposal has the potential benefit of improving security and energy efficiency through better insulation. However, the proposal is not the only method by which such benefits could be realised and without the harm that I have identified above.

¹ Appeal ref: APP/H1033/X/17/3173648

12. As such, I find that harm to the character and appearance of the appeal dwelling and the terrace of which it forms part would be significant, and I find that the harm to the character and appearance and significance of the CA would be less than substantial. I must give considerable importance and weight to the effect on the significance of the CA, in addition, I have given moderate weight to the effects on the character and appearance of the appeal property and the terrace of which it forms part. I consider that the harm I have identified would significantly outweigh the benefits of the proposal.
13. For these reasons, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR