



Appeal Decision

Site visit made on 9 July 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/X5990/W/24/3340573

53 First Floor to Third Floor, Paddington Street, City of Westminster, London W1U 4HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement, or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Robert Pratt on behalf of MG Architects Ltd against the decision of the City of Westminster Council.
 - The application Ref 22/04545/ADFULL, dated 8 July 2023, sought approval of details pursuant to condition 4 of planning permission Ref 20/04837/FULL, approved on 22 October 2022.
 - The application was refused by notice dated 28 September 2023.
 - The development proposed is erection of rear extension over ground, first and second floor levels, use of part garden floor, part ground floor and all of first, second and third floors as one residential unit (Class C3) and installation of double glazed windows on front and rear elevations, extension with bi-fold doors at garden level to the rear, and provision of cycle storage for the residential unit in the rear garden, installation of fire escape access hatch to the raised ground floor paved area on Paddington Street with fire escape ladder below at basement level, new rooflight to main pitch roof above third floor stairs landing and includes a single-storey rear extension at ground floor level with internal reconfiguration of existing space to the rear at the same level to create an Ante Room to the previously approved residential unit.
 - The details for which approval is sought are in respect of the replacement window details.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my site visit, the proposed windows, including the trickle vents, have been installed at the property. The windows which have been installed appeared to be consistent with the windows shown on the submitted drawings. I have considered the appeal on this basis.
3. Condition 4 of the planning permission required the submission of the details of the replacement windows before their installation. With the exception of the trickle vent details, from the evidence before me, the Council do not have any concerns with the design of the windows. I shall, therefore, confine my consideration to the effect of the proposed trickle vents.
4. The appeal site address in the banner above is taken from the application form. However, the Council decision and the appeal form both refer to the property as 53a Paddington Street. In the interests of conciseness, I have used 53a Paddington Street as the address in my decision.

Main Issue

5. The main issue is whether or not the proposed trickle vent details would preserve or enhance the character or appearance of the Harley Street Conservation Area.

Reasons

6. 53a Paddington Street (No 53a) lies within the Harley Street Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') provides, at section 72(1), that with respect to any buildings or other land, in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
7. The Harley Street Conservation Area Audit (the CAA) details the historic development of the area and the characteristics which are of special architectural or historic interest. Insofar as it is relevant to the appeal, I consider that the significance of the conservation area is mainly derived from the grid formation of tight-knit terrace buildings on narrow plot widths and of a fairly consistent scale. The area has a dense, urban, feel with a vertical emphasis which contribute positively to the character and appearance of the conservation area as a whole.
8. The buildings on Paddington Street, including No 53a, retain this character and appearance and make a positive contribution to the Conservation Area. The windows in the upper floors of the terrace, containing the appeal site, retain the appearance of sets of sliding sash windows. Most have un-subdivided glazing similar to the appeal proposal. However, the windows have a consistent appearance which contributes positively to the street scene.
9. I have not been made aware of any other properties with visible trickle vents set within the window frame as is proposed in the appeal before me. Moreover, I did not observe any in the immediate area during my visit.
10. Albeit, from the evidence before me, the windows that were previously installed at No 53a included visible trickle vents, the addition of these features in the proposed windows would not reflect the details and materials of the conservation area as a whole. These alterations are small, however the effect of these alien features into the street scene is considerable and would disrupt the uniformity of window arrangement and design in the block. The proposal also misses the opportunity to preserve or enhance the character and appearance of the conservation area.
11. The requirement of Building Regulations to provide ventilation does not justify the size or position of the trickle vents. Building Regulations is not required to consider the proposal against the Development Plan or consider the effect on the Conservation Area. This is the matter before me to which I have found harm. The Council has suggested alternative arrangements with the ventilation provided within the frame of the window which would not have the same adverse visual effect on the building, the street scene, or the Conservation Area. I am, therefore, not convinced that the appeal proposal is the only means of achieving Building Regulations compliance.
12. The harm to the Conservation Area, as a whole, would be less than substantial. In accordance with the National Planning Policy Framework (the Framework),

great weight should be given to conservation of the heritage assets. Paragraph 208 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal.

13. The proposed windows would improve u-value and reduce the effect of external noise on the future occupants of the residential units within the property. However, I am not convinced that the form of trickle vents proposed is the only means of achieving these benefits. Consequently, the benefits are afforded limited weight and would not outweigh the harm to the Conservation Area.
14. For the above reasons, I find that the proposed window details would not preserve or enhance the character or appearance of the Harley Street Conservation Area. Consequently, the proposal would fail to comply with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040 which, taken together, seek to ensure exemplary standards of high-quality development, which positively contribute to Westminster's townscape and streetscape, ensure heritage assets and their settings are conserved and enhanced, take opportunities to enhance conservation areas, and require alterations to avoid adverse visual impacts or disrupting uniformity.

Other Matters

15. The appellant has also referred to discussions with Planning Officers within the Council, the lack of communication and the length of time the Council took to determine the application. However, the appellant proceeded to install the windows without first obtaining the approval from the Council, contrary to the requirements of the condition. From the evidence before me the Council has justified the final decision, albeit that it took longer than expected. Moreover, I have reached the same conclusion on the harm. Consequently, how long it took the Council is not determinative in my decision.

Conclusion

16. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR