



Appeal Decision

Site visit made on 5 February 2025

by **H Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th February 2025

Appeal Ref: APP/X5990/W/24/3355542

602 Clive Court, 75 Maida Vale, Maida Vale W9 1SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Nicolas Bouquay against the decision of City of Westminster Council.
 - The application Ref is 24/06146/FULL.
 - The development proposed is replacement of 6th floor windows with double glazed steel frame windows.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of 6th floor windows with double glazed steel frame windows at 602 Clive Court, 75 Maida Vale, W9 1SG, in accordance with the terms of the application, Ref 24/06146/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan, New Windows, 2415-SPEC1, 2415-SPEC2, 2415-ELV1, 2415-SEC1 and Heritage Statement.
 - 3) Any building work which can be heard at the boundary of the site can only be carried out:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
 - 4) Other than where amended by a requirement of a condition, all new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance.
 - 5) The hereby approved windows must not be installed with the two applied drip bars and maintained as such thereafter.

Preliminary Matters

2. The description of the development has been taken from the Council's decision letter as it more concisely describes the proposal.

Main Issue

3. The main issue in the appeal is whether adequate consideration has been given to fire safety measures.

Reasons

4. Due to the size of the building and the number of dwellings it contains, it falls to be considered as a Relevant Building under the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (the Order). An application for planning permission for development of a Relevant Building should be accompanied by a fire statement other than where one of the listed exceptions applies.
5. The appeal proposal is for the replacement of a number of windows in the apartment to improve its thermal efficiency. The outer steel frames would be retained and double glazed inner steel frames would be installed. Otherwise, the external building fabric would be unchanged and internal fire safety measures would be unaffected.
6. In response to a validation request, the appellant completed a Fire Statement Form, detailing limited information about the appeal building and the proposal. The appeal application has been submitted with a form detailing additional Fire Statement Information Requirements. This provides information substantially to the same effect as the form typically prescribed for such purposes and provides a proportionate level of detail to allow for the consideration of the fire safety implications of simply replacing the windows in the apartment.
7. In view of the above, the proposal has given adequate consideration to fire safety measures and thus avoids conflict with Policy 38 of the City Plan 2019 - 2040 (adopted 2021) which requires development to enable the extended lifetime of buildings and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

Other Matters

8. A neighbouring resident has sought conditions that will ensure that disruption from the works is minimised. A condition to this effect could be attached.

Conditions

9. In the interests of certainty, conditions are necessary to specify the time limit for commencement and list the approved plans. The condition about the construction working hours and minimisation of disruption to neighbours is also necessary.
10. Two further conditions are also necessary: one to secure the quality of materials and finish of the works to ensure that the character and appearance of the Maida Vale Conservation Area (CA) is preserved, the other to ensure that the applied drip bars are omitted from the final installed windows as this would be uncharacteristic of the original windows. Again, this is in the interests of the character and appearance of the host building and CA.

Conclusion

11. For the reasons given above the appeal should be allowed.

H Nicholls

INSPECTOR