



Appeal Decision

Site visit made on 16 May 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/X5990/W/24/3356529

180 Ashley Gardens, Emery Hill Street, City of Westminster, London SW1P 1PD

- 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 Mr Patrick Ross against the decision of the City of Westminster Council.
 - The application ref is 23/06473/FULL.
 - The development proposed is described as: Installation of double glazed windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal differs from the application form to the decision notice. The description of development in the banner above has been taken from the decision notice, which is a more concise description of the proposal and removes superfluous text from that set out in the application form.
3. Despite being requested by the Council throughout the application, the appellant did not provide detailed, scaled elevation drawings of the proposed development. Whilst these have been provided through the appeal proceedings in the form of existing and proposed elevations, an appeal process is not the correct avenue to advance a scheme. The drawings represent a fundamental change when compared to the application which was considered by the Council.
4. The appeal must be determined based on the plans and details as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of the Council, interested third parties and consultees, who have not been consulted on the revised details and who may have observations to make. I have therefore proceeded to determine the appeal based on the plans as originally submitted.
5. The appeal site is situated within the Westminster Cathedral Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Westminster Cathedral CA.

Reasons

7. The appeal site is situated within the Westminster Cathedral CA, which centres on the Grade I listed Westminster Cathedral and includes the surrounding residential streets. The significance of the CA is dominated by the cathedral itself, which, along with its related buildings and piazza are a prominent landmark of architectural and historic value. The area around the cathedral is predominantly residential, characterised by a range of large-scale mansion blocks, mostly finished in red brick. The mansion blocks include an array of architectural detailing which adds visual interest to the street scene.
8. The appeal site is within an early nineteenth century mansion block which displays a uniformity that adds to its architectural value and visual quality. As is characteristic of the CA, it is constructed of red brick. Other notable features of the building include a mansard roof and sash windows.
9. The joinery details which have been provided are not specific to the appeal site. Whilst the Council have confirmed that the principle of double glazing is unlikely to be opposed, from the submitted details it is not possible to determine how the proposed windows would appear in comparison to the existing windows. The details provided, for example, do not show the proposed width of the frames, glazing bars or proposed depths of reveals specific to the windows to be replaced. I therefore cannot be satisfied that the proposed development would maintain the consistent appearance of the existing windows within the building.
10. The evidence refers to the use of double glazing elsewhere within the building and the appellant contends that the appointed contractor for the development has been specifically recommended by the building managers. During my site observations, I did note that other units within the building appear to have modern windows. However, in these cases they assimilated well with the existing building, maintaining its uniformity. Based on the submitted details, I do not have sufficient information to determine that this would be the case for the appeal proposal.
11. The appeal proposal has failed to demonstrate that it preserves or enhances the character or appearance of the Westminster Cathedral CA. As such, it conflicts with Policies 38 and 39 of the City of Westminster City Plan (2021), which require, amongst other matters, for developments to have regard to heritage assets and ensure that heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Other Matter

12. The appellant's statement refers to the condition of the existing windows and the potential risks that further deterioration could cause, including through falling debris and health risks associated with mould. I did observe during my site visit that some of the windows were in an existing state of disrepair. However, I have seen little evidence to suggest that the windows could not be repaired as part of the routine maintenance of the property. The existing condition of the windows does not justify the use of replacements which have not been evidenced to preserve or enhance the character or appearance of the CA.

Planning Balance

13. The National Planning Policy Framework (the Framework) describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework is clear that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. Given my findings above, I find the harm to the CA to be less than substantial, but nevertheless of considerable importance. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. I acknowledge that the proposal would enhance the condition of the windows and in turn potentially lead to increased insulation and reduced risk of mould for the occupiers of the flat which they serve. However, these are largely private benefits which could in any case potentially be managed by other means. Whilst general improvements to housing stock may be of some limited public benefit, these are not of such an extent to outweigh the harm to the significance of the CA, to the conservation of which the Framework requires that great weight be given.

Conclusion

16. I conclude that the proposal would fail to satisfy the requirements of the Act, the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

L Gardner

INSPECTOR