
Appeal Decisions

Site visit made on 30 April 2025

by **Paul Thompson DipTRP MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal A: APP/X5990/W/24/3354205

63A Warwick Avenue, City of Westminster, London W9 2PR

- 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 and Mrs Moran against the decision of City of Westminster Council.
 - The application Ref is 24/03098/FULL.
 - The development proposed is replacement of a rear window on ground floor to a pair of French doors; and installation of an external staircase to the rear.
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Appeal B: APP/X5990/Y/24/3354206

63A Warwick Avenue, City of Westminster, London W9 2PR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Moran against the decision of City of Westminster Council.
 - The application Ref is 24/03099/LBC.
 - The works proposed are replacement of a rear window on ground floor to a pair of French doors; and installation of an external staircase to the rear.
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building consent appeals and harm to the Maida Vale Conservation Area is referred to on the Decision Notice for Appeal B, so I have had regard to it in relation to both appeals. Moreover, they concern the same scheme under different, complementary legislation, so I have dealt with both appeals together in my reasoning where indicated.

Main Issues

3. The main issues are whether the proposal would preserve a Grade II listed building, '61 and 63 Warwick Avenue', or any features of special architectural or historic interest which it possesses; and the extent to which it would preserve or enhance the character or appearance of the Maida Vale Conservation Area (CA); (both appeals); and the effect of the proposal on the living conditions of the occupiers of 61A Warwick Avenue, regarding privacy; and Nos 61A and 63B, regarding noise and disturbance (Appeal A only).

Reasons

Significance and Special Interest

4. The appeals relate to 63A Warwick Avenue, a flat situated on the lower ground and raised ground floors of one half of Nos 61 and 63, a Grade II listed building¹ originally built as a pair of houses in the Mid-19th Century, but subsequently converted to flats through internal subdivision and alteration. At the rear, bedrooms on the lower ground floor of No 63A have French doors that open on to its garden.
5. The listing description primarily focuses on the property's frontage and refers to the architectural adornments that highlight its importance at a key corner. However, the listing is for identification purposes only and does not form an exhaustive list of its features that are of special interest. The building's rear façade exhibits less formal architecture than the front, with exposed and painted brickwork, and closet wings to the third floor. This reinforces an architectural hierarchy, with greater emphasis to public façades of the building, but the architecture and rhythm of the rear, the surviving plan form, the historic fabric of brickwork and windows, and their pattern, are also important.
6. The significance of a heritage asset is the sum of its heritage values and, for the listed building, it is found in its architectural and historic interest as a former pair of Mid-19th Century houses. This includes the established hierarchy from the grand but asymmetric detailing of its front façade to the simpler more symmetrical rear. Furthermore, the rear ground floor window incorporates traditional craftsmanship in its joinery, through its embellished framing and glazing bars. The original plan form of the ground floor rooms also remains evident in the current configuration.
7. The building is situated at the prominent corner of Warwick Avenue and Formosa Street, within the CA. This is predominantly residential in character and comprised of listed and other high-quality buildings from notable periods of its development, including development along and north of the Grand Union and Regent's Canals. The General Information Leaflet for the CA states much of the earlier development south of Sutherland Avenue, including Warwick Avenue, was completed after Regent's Canal, by 1860, and most remaining built fabric was completed by 1900.
8. As far as it is relevant to this appeal, the significance of the CA is principally derived from the contribution made by the high quality of the architecture and townscape found in the variety of the buildings, including by traditional joinery; landscaped spaces; and the canals and tree-lined streets within it. The listed building is impressive and makes an important contribution at a key junction of the CA, with Warwick Avenue a primary route in development of the area. It also appears typical of the buildings along it. Hence, it makes a telling contribution to the CA's character and appearance and, thereby, understanding and significance.

Proposal and Effect

9. To facilitate the installation of the proposed French doors, the existing two over two vertical sliding sash window, and the historic masonry beneath it, would be removed. The doors would open out to a metal staircase and platform to provide ground floor access to the garden.

¹ List Entry Number: 1066135.

10. Due to enclosure that the closet wing of No 63 provides, its rear ground floor window is not visible from within the public realm. Similarly, only part of the rear garden can be seen from Formosa Street. Nevertheless, listed buildings are protected for their inherent architectural and historic interest, irrespective of whether public views of it can be gained. The rear of the building, including its garden, can still be appreciated from its own grounds, and would be visible in private views from adjacent properties.
11. The rear façade of the building is formed of windows of diminishing proportions above lower ground floor level. The enlargement of the ground floor window to form a doorway partway up the rear façade would therefore appear ungainly and harmfully disrupt its symmetry. Securing further details of the embellishments of the proposed French doors by conditions would therefore not amount to a suitable form of mitigation against these harms. Similarly, reinstating the window in the future would also not address the permanent loss of historic fabric from masonry and the existing window, as well as the understanding of the craftsmanship and construction of the window. Albeit the loss of masonry would be more limited in the context of the overall rear façade.
12. The staircase and platform would have a rather cumbersome and functional appearance that would disrupt the simple form and symmetry of the building's rear façade. The staircase would also project somewhat from the rear, into the garden, parallel with the boundary to No 61. Neither element would harm the building's fabric, but they would not be visually discreet or compact interventions. The harm they would cause would therefore be significantly adverse and unacceptable.
13. Notwithstanding the above, when viewed from within the rear room, the enlarged opening would not affect the proportions of the room. Hence, it would not alter how the legibility of the original plan form of the building is appreciated or understood.
14. The raised window cill to the rear ground floor window of No 61 is not original to the building and is one example of how the building has been altered to meet changes in living requirements. Although it has partially diluted the symmetry of the building's rear façade, the original cill is retained beneath. As the fabric lost appears to relate to the window, it is an alteration that could be more reversible.
15. Whilst undertaking my site visit, I was able to view French doors, balconies and staircases to numerous parts of the buildings situated at Warrington Crescent. I observed this arrangement to be commonplace down from principal living spaces into the communal gardens, but the same set of circumstances does not exist for No 63A, as it has a private garden and access to this is already available from the lower ground floor. The presence of other external staircases and balconies elsewhere would, therefore, not provide justification for the proposal, which would be harmful to the listed building.
16. The Council has consented a scheme² at 47A Kensington Gardens for lowering of window cills, including removal of fabric to introduce French doors. However, there are material differences between the schemes, as the doors directly open on to the rear courtyard of that property, not at a higher floor level. The Council may have consented other lowered window cills in the City, including to listed buildings, but I have not been made aware of the full circumstances behind such decisions. I must determine these appeals based on the circumstances of the scheme before me,

² Planning References: 24/05133/FULL and 24/05134/LBC.

notably in respect of the special interest of the appeal building. The addition of similar openings to other listed buildings in the City would, therefore, not be a compelling reason to allow the proposal given the harm it would cause.

Public Benefits, Heritage Balance, and Conclusions (First Main Issue – Both Appeals)

17. Despite my findings in relation to the plan form of No 63A, loss of historic fabric would occur. The introduction of the French doors, platform and staircase, would appear as discordant alterations to the listed building, notably in the context of the pattern and size of historic openings found to its rear façade. The proposal would therefore fail to preserve the listed building and its features of special architectural and historic interest and, thereby, its understanding and significance as a designated heritage asset. Furthermore, as the special interest of a listed building within the CA would be diminished, the character and appearance of the CA, as a whole, would be incrementally harmed. I consider these equate to less than substantial harm to the significance of these designated heritage assets. The supporting text to Policy 39 of the City Plan 2019-2040 (April 2021) refers to the National Planning Policy Framework (the Framework), Paragraph 215 of which identifies this harm should be weighed against the public benefits of proposals.
18. Addressing matters relating to thermal efficiency provided by the materials and the construction of the proposed French doors would be a modest public benefit in environmental terms due to the proposal's extent. The proposal would make the garden area more accessible for occupants of No 63A from its ground floor. This would improve their living environment, as it would avoid an internal route through lower ground floor bedrooms but, as such access exists, this would be a private benefit to the occupants. Similarly, it is unclear what problems could manifest from the current emergency egress through this route or to the front of the building at ground floor, and whether the proposal is required as an alternative solution to address these. Furthermore, there is no compelling evidence before me to suggest the proposed scheme is required to make the building habitable or sustain the heritage asset and continued viable residential use of the building is therefore unlikely to cease in its absence.
19. Framework Paragraph 212 states 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 (and the more important the asset, the greater the weight should be).
20. Taking the stated benefits of the appeal scheme together, I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the assets' conservation and considerable importance and weight to the less than substantial harm identified to their significance. Accordingly, within the context of my duties under sections 66 and 72 of the Act, I conclude that the proposal would fail to preserve the listed building or features of special architectural or historic interest which it possesses; and it would fail to preserve the character and appearance of the CA. Hence, it would conflict with the heritage aims of Policies 38, 39 and 40 of the City Plan.

Living Conditions (Appeal A only)

21. The existing windows to the rear of No 63A are in the rear façade and closet wing, which overlook its garden and that of No 61A. The closet wing window of No 63A serves its kitchen. This directly faces the obscure glazed ground and lower ground

floor windows in No 61A's closet wing. Views from the window toward others in the rear façade of No 61 are acute. The boundary between the gardens of Nos 61A and 63A is demarcated by hedge planting and, at the time of my visit, this had grown up to around the top of the French doors at No 63A.

22. The scale and location of the proposed platform means it would likely to lead to similar views toward No 61A and its garden. While the existing hedge could be allowed to grow higher to deal with intervisibility between the staircase and the lower ground floor windows of No 61A, this could take some time. Views from the staircase would be likely to be through or over the hedge directly into the ground floor window. Those views would be in an elevated position closer to the rear façade than those existing from the garden, and occupiers of No 61A would be likely to be aware of being observed or, at least, a perception. The introduction of solid screening to the staircase or platform could also have harmful implications for the appearance of the listed building, so it would not be appropriate to consider the use of conditions to mitigate this harm in this way.
23. I have not been made aware of any restrictions upon the use of the garden area of No 63A and the proposal would not necessarily lead to greater use of it. Be that as it may, the proposed staircase and platform would increase the potential for people to be stood closer to the ground floor window of No 61A and the first-floor windows of No 63B, the flat above 63A. This would increase the potential for noise and disturbance to the occupiers of these flats, as they would be closer to the windows.
24. As it is necessary to safeguard the living conditions of both existing and future occupiers of neighbouring flats within Nos 61 and 63, the absence of objections from the current occupiers of the identified flats is not determinative in this matter. Consequently, in respect of Appeal A, I conclude that the proposal would have a significantly detrimental effect on the living conditions of the occupiers of Nos 61A and 63B regarding noise and disturbance; and No 61A regarding privacy. Hence, it would conflict with Policies 7 and 38 of the City Plan, which together seek to protect against unacceptable impacts from privacy and adverse effects from noise.

Planning Balance and Conclusion

25. I have identified the public benefits of the appeal scheme through undertaking the heritage balance. Despite my findings in relation to the use of the rear garden and the internal plan form of the listed building, the proposal would fail to preserve the listed building and features of special architectural or historic interest which it possesses, and the character and appearance of the CA. It would also harm the living conditions of neighbouring occupiers, as specified. These harms would result in the stated conflict with the City Plan. Accordingly, I conclude that the proposal would conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. For the reasons given above the appeals should be dismissed.

Paul Thompson

INSPECTOR