



Appeal Decision

Site visit made on 30 September 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/X5990/W/25/3369103

7 Leamington Road Villas, City of Westminster, London W11 1HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr James Senior of Pembridge Developments Ltd against the decision of City of Westminster Council.
 - The application Ref is 25/03078/FULL.
 - The application sought planning permission for construction of rear extensions at lower and ground floor level and installation rooflights, amalgamation of the lower ground and ground floor flat and proposed new spiral staircase from ground floor level to access garden at basement without complying with a condition attached to planning permission Ref 24/08197/FULL, dated 9 April 2025.
 - The condition in dispute is No 1 which states that: *"The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter"*.
 - The reason given for the condition is: *"For the avoidance of doubt and in the interests of proper planning"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed at my site visit that rear extensions to the appeal property at the lower and ground floor levels had been constructed. It is clear from the plans and evidence that the development and the changed fenestration that has taken place is that referenced in the planning application. The external spiral staircase shown on the proposed plans had not been constructed, and the external area at ground floor level where access from the property to this would be taken was enclosed by metal railings instead. This section of the extension has also been reduced in height compared to the approved plan, although the Council does not raise any concern with this change as shown in the proposed plan, and I have no reason to disagree.
3. Railings enclosing a balcony feature have been installed to the exterior of the adjacent section of the ground floor extension as indicated on the proposed rear elevation submitted with application 25/03078/FULL. However, none of the floor plans before me show the extent of the projection of this feature. Whilst what I saw has helped to inform my assessment, I have dealt with the appeal on the basis that planning permission is being sought for the development as set out in the application and the submitted plans.

Background and Main Issues

4. The appellant seeks permission to construct extensions at the lower and ground floor level to the rear of the host property that are of a different design and with altered fenestration to that approved.
5. The main issues are the effect that varying condition 1 and the revised design of the extensions and fenestration would have upon:
 - the character and appearance of the building and the area, and whether the proposed development would preserve or enhance the character or appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area (the CA); and
 - the living conditions of the occupants of neighbouring dwellings, with particular reference to privacy, noise and disturbance from use of the external roof terrace.

Reasons

Character and appearance

6. The appeal site comprises the lower and ground floor levels of a larger terraced property with accommodation over five floors, situated within the CA. The surrounding area is predominantly characterised by groups of terraced and semi-detached residential development.
7. From the evidence before me and my observations on site, the significance of the overall CA is derived from its architectural and historic interest, including the predominant form of the terraces and groups of historic buildings as a whole, regardless of whether particular elements are significantly open to public view. The appeal site contributes to the significance of the CA forming part of a terrace on Leamington Road Villas, reflecting the predominant residential setting of the surrounding area. Part of the rear of the appeal property is also visible from the adjacent Aldridge Road Villas.
8. The change to the approved fenestration that is sought through the variation of the condition has introduced development that is in stark contrast to, and notably out of character with, the traditional design and appearance of the white timber sliding sash windows to the remainder of the property, as well as those in adjacent properties within the group. This results in an inconsistent and incoherent appearance to the rear elevation that is at odds with the established character of the fenestration at the property and in the immediate area. Whilst the effect of the change is more notable to the rear of the properties in the area, the difference in the colouring and appearance of part of the fenestration at ground floor level in relation to the rest of the property is also discernible, albeit to a more limited degree, from Aldridge Road Villas, which adds to the overall adverse visual impact.
9. The change in the fenestration therefore has a detrimental impact on the character and appearance of the host property, and the contribution that it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.

10. The change is localised in terms of the CA as a whole, therefore the harm to the significance of the CA is less than substantial, and the harm is at the lower end of the scale in that regard. Irrespective of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states 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. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
11. Public benefits have not been specifically referenced in the appellant's application or appeal submissions. It may be reasonable to treat the overall alterations to the property and the amalgamation of flats as being public benefits inasmuch that they would contribute to the housing stock in the area. However, I am not satisfied that the approved development could not have been achieved without the harm from the changed fenestration that I have identified. I therefore give this little weight as a public benefit, and it would not be sufficient to outweigh the great weight that I must give to the conservation of the CA and the considerable importance and weight to the less than substantial harm that I have identified to its significance. Furthermore, it has not been adequately demonstrated that the revised fenestration is the only way to achieve the overall development of the property.
12. I conclude that the variation of the condition and the revised development would fail to preserve or enhance the character or appearance of the CA and it therefore conflicts with Policies 39 and 40 of the City of Westminster City Plan 2019-2040 (the CP). Amongst other things, these seek that development would ensure heritage assets are conserved and enhanced, it would preserve or enhance the character and appearance of conservation areas, and alterations and extensions will respect the character of the existing and adjoining buildings.
13. The proposal also conflicts with the historic environment policies of the Framework, which requires clear and convincing justification for any harm to the significance of a designated heritage asset, and that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm is outweighed by the public benefits of the development.

Living conditions

14. The proposed rear elevation plan, as approved, appears to indicate a feature across the full extent of the larger glazed opening at ground floor level, although despite the evidence of both parties, it is not clear what this would be. It is also not clear from the proposed floor plan, as approved, what method of opening was intended, if any, for the glazed area, or if any balcony feature would project from the rear elevation or be fixed across the glazed area.
15. The railings that have been installed in this area are relatively modest in scale and allow for the doors to be opened outwards over the flat roof of the lower ground floor. Despite what has been installed, and similarities with other features in the area, I have not been provided with any proposed floor plan that clearly shows what is proposed for the appeal scheme and the potential for the flat roof area to be used as an external roof terrace. I also note the Council's concern that this element was not included within the description of the development and that appropriate consultation has not taken place on this change. Whilst it has been suggested that a condition could be attached to a subsequent permission requiring further details

of this element, I am mindful that this could prejudice those who may be affected by this part of the scheme and who may not have had the opportunity to properly comment on the development.

16. Notwithstanding that, I consider that there is insufficient information before me in terms of what has previously been approved and what is proposed to be able to fully assess this aspect. Consequently, I am unable to satisfactorily determine the effect of the development on the living conditions of the occupants of neighbouring dwellings having regard to Policies 7 and 33 of the CP. Amongst other things, these seek to protect and where appropriate enhance amenity by preventing unacceptable impacts of privacy and overlooking, and ensure the quality of life and health and wellbeing of existing and future occupiers are not adversely affected.

Other Matters

17. The appellant has referenced examples of other windows, doors and balconies in the area of similar design and appearance. I do not know the full circumstances under which these were installed or their status regarding planning permission. I note the Council's comments on these, including the suggestion that the example of fenestration at 9 Leamington Road Villas may not have consent, and the modern design approach as part of the redevelopment at No 11. I therefore cannot draw any direct comparison with the development that would weigh in its favour, and I have assessed the scheme before me in the context of its location and on its merits. Accordingly, the existence of similar development in other properties does not justify the harm that I have found on the first main issue.
18. I have found that the development conflicts with the policies of the CP and the Framework in respect of the historic environment. I have limited information before me to demonstrate that the circumstances at paragraph 11 d) of the Framework should apply to the appeal in terms of whether the policies which are most important for determining the application are out-of-date. Nevertheless, even if I were to assume, for the purposes of this appeal only, that the circumstances to engage paragraph 11 d) were to apply, the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a strong reason for refusing the development proposed. As such, given my findings on the harm to the CA, the appeal proposal does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) of the Framework.

Conclusion

19. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR