



Appeal Decision

Site visit made on 10 November 2025

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/X5990/W/25/3369589

Flat 4, 118 Lupus Street, London SW1V 4AN

- 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 Mrs Sonal Bharadia against the decision of City of Westminster Council.
 - The application Ref is 24/07758/FULL.
 - The development is uPVC windows on top floor flat.
-

Decision

1. The appeal is allowed and planning permission is granted for uPVC windows on top floor flat at Flat 4, 118 Lupus Street, London SW1V 4AN in accordance with the terms of the application, reference 24/07758/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following plans:
 - Location Plan
 - As-Built Block Plan, drawing no. 5218-01-402A;
 - As-Built Floor Plan, drawing no. 5218-01-103B;
 - As-Built Roof Plan, drawing no. 5218-01-104B;
 - As-Built Front Elevation, drawing no. 5218-01-204B;
 - As-Built Rear Elevation, drawing no. 5218-01-205B;
 - As-Built Right Side Elevation, drawing no. 5218-01-206B;
 - As-Built Section A-A, drawing no. 5218-01-302B;
 - Proposed Window Detail W2-01, drawing no. 5218-01-505B;
 - Proposed Window Detail W2-02, drawing no. 5218-01-506B;
 - Proposed Window Detail W2-03, drawing no. 5218-01-507B;
 - Proposed Window Detail W2-04, drawing no. 5218-01-508B.

Preliminary Matters

2. The description of development used in the heading above is taken from the planning application form. However, I have removed reference to wording, including the site address, that is not an act of development. The uPVC windows have been installed, and this appeal relates to a refusal for retrospective planning permission.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building, the Pimlico Conservation Area and the settings of the

Churchill Gardens Conservation Area and the Peabody Avenue Conservation Area.

Reasons

Significance of the conservation areas

Pimlico Conservation Area

4. The appeal site is a second (top) floor flat in a three-storey plus basement building that, evidence suggests, was constructed in the 1960's. The flatted building (the appeal building) is attached to a short Victorian terraced row that is of similar height and together, the appeal building and the terrace form a single triangular block that sits at the junction of Lupus Street and Turpentine Lane, within Pimlico Conservation Area (PCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the PCA.
5. The PCA boundary encompasses an area between the River Thames, Vauxhall Bridge Road and the railway line at Victoria and is predominantly residential in character. According to the Pimlico Conservation Area Audit 27 Supplementary Planning Guidance 2006 (PCASPG) a key characteristic of the area is the distinctive and coherent design and layout of Cubitt squares and stucco terraces from the mid-19th century which contrasts with surrounding post-war development. Lupus Street is identified within the PCASPG as part of an early diagonal street pattern that framed the development of grid-lined streets and remains an important primary route through Pimlico.
6. Insofar as is relevant to the development, the special interest and significance of the PCA is derived principally from its historically hierarchically planned and architecturally detailed terraces of period buildings and spaces, many of which retain their original timber sash windows and stucco façade on front elevations. Not all houses on each street include the same detailing, but the consistency of building period provide, in so far as it relates to this scheme, a recognisable consistency that adds to the area's character and appearance. On the rear elevations of many buildings across the PCA, it is noticeable that timber frame windows have been replaced by metal or uPVC frames in either white or grey, with various glazing patterns, which now forms part of the character and appearance of the PCA.
7. The position of the appeal building along Lupus Road and its angled form is visually prominent along this part of the road. However, the appeal building is not typical of the area, being of mid-20th century flat-roof construction with a notable absence of architectural detailing. Whilst the building marks a change in architectural fashion, it contributes little to the architectural quality of the area and makes a neutral contribution to the character and appearance of the PCA as a whole and thus its special interest and significance as a designated heritage asset.

Peabody Avenue Conservation Area

8. The appeal building is located adjacent to the Peabody Avenue Conservation Area (the Peabody CA), on the opposite side of Turpentine Lane, and is within its immediate setting. This provides no statutory protection. However, paragraph 219 of the National Planning Policy Framework (the Framework) advises that

proposals that preserve those elements of the setting of a conservation area that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Consequently, in this case, it is pertinent to consider whether the significance of the Peabody CA would be affected by the development outside it.

9. The Peabody CA comprises of one tree-lined street which contains a four-story tenement block on the east side and a five-storey tenement block on the west side, with a railway line to the rear. Two separate but complementary part five/four-storey residential blocks located to the south of Peabody Avenue within Peabody Close are also included within the Peabody CA. These appear to have been constructed in the late 19th Century, at a similar time to those on Peabody Avenue. I saw many uPVC window frames on buildings within the Peabody CA. From the limited information before me and what I saw, I find the CA's prevailing character and appearance, and thus its special interest and significance, to largely stem from its surviving narrow tree-lined historic street pattern, consistent materials palette, and the imposing bulk, and architectural rhythm of the residential blocks. Significance is also derived in part from its status as a well-preserved example of early philanthropic social housing.
10. The Peabody CA is relatively self-contained and views towards buildings along Peabody Avenue are mainly limited to their rear elevations from Turpentine Lane and the railway. However, there is intervisibility between the appeal site and the two separate residential blocks on Peabody Avenue, such that it is within its immediate setting. The adjacent railway, River Thames and the variety of building ages and styles in the surrounding built-up urban area, including the appeal site, reinforce Peabody CA's contribution to the planned growth of the city and to the asset's significance in a positive way.

Churchill Gardens Conservation Area

11. Churchill Gardens Conservation Area (CGCA) is opposite the appeal site, across Lupus Street and includes a section of land fronting the River Thames. Very little information has been provided to me in relation to this conservation area. From what I saw, the CGCA encompasses a considerable number of modernist 20th Century housing blocks of various heights arranged as one large housing estate that also includes shared gardens, a school and a district heating system. It's significance is largely derived from its innovative modernist design and layout. Important contributors in this regard that are pertinent to this appeal are the architecturally designed post-war housing blocks which incorporate extensive use of glass, recessed and extruding staircases and balconies, and window frames of mixed materials including timber, metal and uPVC. Despite various window materials, there is a distinct uniformity to the buildings that adds to the area's character and appearance and thus its significance.
12. The CGCA's setting includes the south bank of the River Thames from which the taller housing blocks and district heating tower are clearly visible. It also includes, within its immediate setting, the appeal site and the Victorian residential streets of PCA, which contrast with the CGCA's modernist format and composition. As such, its historic and functional relationship with the appeal site is limited. However, CGCA's setting highlights the different development phases within London as well as the distinct architectural qualities of the CGCA. This setting contributes

positively to the understanding and the special interest and significance of CGCA along with the ability to appreciate it.

Effects on character, appearance and significance

13. The uPVC double glazed windows that have been installed to the rear elevation of the appeal building comprise three kitchen windows and one bathroom window on the top floor. The remainder of the windows on this elevation, which relate to other flats within the building, have retained their older single glazed metal form.
14. In this context, the white uPVC windows are the only uPVC windows at the rear of the appeal building and are clearly apparent in public views from Turpentine Lane and in views from windows and balconies of nearby flats that face towards this elevation. Being located at the rear of the building, the windows are not unduly visible from Lupus Street, although they can be glimpsed in some views due to the triangular form of the building. The wide frames and trickle vents are particularly conspicuous, and, from the evidence, do not match the thinner profile and fenestration pattern of the remaining older windows. While the larger uPVC windows have a two-pane casement pattern, they do not incorporate a small opening pane that is evident on older windows in this elevation. Furthermore, the uPVC frames appear to be positioned further forward within the window reveal, exacerbating their prominence.
15. The rear elevation of the triangular block that includes the appeal building and the Victorian terrace is clearly of more utilitarian appearance with less architectural merit than the front elevation. There is no overall consistency of window design or material when viewed from Turpentine Lane. Windows on the Victorian terrace part are timber sash and are larger and more vertical than those on the appeal building and there is a greater window to brick ratio. Furthermore, some of the older windows on the appeal building also incorporate unsympathetic alterations, including vertical metal bars fixed to basement/ground floor window reveals and small ventilation fans within glazed panes. As a consequence, the appearance of the rear elevation of the block lacks the same sense of unity and consistency of the windows as other parts of PCA.
16. The Pimlico Design Guide Supplementary Planning Guidance, March 1992, provides guidance for alterations to buildings in the PCA. It advises that modern uPVC or aluminium windows will not normally be acceptable on front windows¹. However, I note that all the front windows within the appeal building are already uPVC. I also saw that other neighbouring buildings within the Peabody CA facing towards the rear elevation of the appeal building, including the gable elevation of 26 to 49 Peabody Close, the Thamesbank Centre and flats above, are all uPVC.
17. Inevitably the four uPVC windows subject of this appeal are visible from certain vantages and change the building's original composition. However, I am satisfied, in this particular case, that these windows do not undermine the building's architectural integrity or legibility and do not result in a harmful change to the character and appearance of the host building. This is because there is an overwhelming proportion of uPVC windows on buildings facing Turpentine Lane with a considerable variety of colour and fenestration pattern. Furthermore, the rear elevation of the appeal building already includes unsympathetic additions to existing windows and all the windows on its front elevation are already uPVC. For

¹ Paragraph 6.3

these reasons I also consider the uPVC windows do not detract from the quality and variety of historic buildings in the PCA, unduly upset their relationship to each other and the spaces around them, or impair the appreciation of the PCA.

18. I recognise the PCASPG advocates the retention of original doors and windows and advises where there are twentieth century buildings of good quality 'the preservation of original glazing forms and door styles are of equal importance to the preservation of the nineteenth century forms for which the area is better known'². No definition of 'good quality' is provided within the PCASPG nor any other document available to me. Nonetheless, I support the Council's aims, which are also set out in Policies PIM2 and PIM4 of the Pimlico Neighbourhood Plan 2021-2040, made in December 2022, in seeking to preserve the character and appearance of conservation areas. I also acknowledge many uPVC windows lack the correct profiles and details that traditional metal or timber windows provide and that in many cases the use of uPVC can be harmful to the overall appearance of an individual building and hence the wider conservation area.
19. However, insofar as relating to this particular appeal building in this location, for the reasons given above, I conclude that the uPVC windows preserve the character and appearance of the PCA as a whole and respect its features of importance and historic significance. For the same reasons the windows have a neutral effect on the elements which contribute positively to the significance of the Peabody CA. Because the uPVC windows are on the rear of the building, they are barely visible from within the CGCA. Thus, I am satisfied that they do not detract from the settings of either the Peabody CA or the CGCA as a whole, or the ability to appreciate and understand these conservation areas. They preserve their settings and cause no harm to the significance of these heritage assets.
20. Given that harm would not occur to the character or appearance of the PCA, or the settings of the Peabody CA and the CGCA, it is not necessary to undertake the balance required under paragraph 214 of the Framework in respect of weighing less than substantial harm against public benefits of the proposal.
21. On the above basis, the development is compliant with the requirements of the Act and Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040, adopted April 2021 (the WCP). Together, these policies seek, amongst other things, that development is sensitively designed; respects the character of existing and adjoining buildings; and that heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance. I also find no conflict with the heritage protection policies of the Framework.

Other Matters

22. My attention has been drawn by the Council to the proximity of Gilbert House, a Grade II listed building. While not referred to in the reason for refusal, the Council's appeal Questionnaire and delegated officer report refer to the effect of the development on the setting of this listed building. Gilbert House is located opposite the appeal site. There is no dispute between the parties that the appeal site is within its setting and from my observations on site I would agree. As such, as required by section 66(1) of the Act, I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

² Paragraphs 4.32 and 4.42

23. Gilbert House is a nine-storey flatted block constructed in the 1950's that is within the CGCA. From the information before me, including the List Entry³, the special interest and significance of this asset primarily stems from its historic and architectural interests. Important contributors in these regards are its innovative design and cumulative group value as part of a winning architectural competition entry following post-war redevelopment of the area.
24. Given the location at the rear of the appeal building and their limited extent in relation to this listed building, I find that its setting is preserved and significance not harmed. This meets the statutory requirement of section 66(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policy 39 of the WCP.
25. Representations were made to the effect that the appellant's human rights under Articles 1 and 8 of the First Protocol, as set out in the Human Rights Act 1998 would be violated if the appeal is dismissed. Since I have decided to allow the appeal and grant full planning permission for the development, there will be no interference with the appellant's right to peaceful enjoyment of their possessions and respect for their private and family life.

Conditions

26. I have considered the condition suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. As the development is retrospective, there is no requirement for the standard commencement condition. I have specified the approved plans so as to provide certainty.

Conclusion

27. For the reasons given above, and having regard to all the other matters raised, I conclude that the appeal should be allowed.

Ann Veevers

INSPECTOR

³ National Heritage List for England List Entry Number: 1271491