



Appeal Decision

Site visit made on 3 December 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/K5600/W/25/3370220

Flat 3, 76 Queen's Gate, London, SW7 5JU

- 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 Brough against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/25/02633.
 - The development proposed is replacement windows to inner courtyard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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 and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The National Planning Policy Framework (the Framework) was updated during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.

Main Issue

4. The main issue in this appeal is whether the proposal would preserve the listed building or any features of special architectural or historic interest it possesses and, linked to that, whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

Special interest and significance

5. The appeal property, Flat 3, 76 Queen's Gate, is part of a Grade II listed terrace¹, 68 – 87 Queen's Gate SW7, of houses dating from circa 1856 – 1859. The terrace, which is four storeys plus attic and basement and has been altered and extended over time, has been subdivided into flats. The appeal property occupies the first floor.

¹ National Heritage List for England Number: 1265993.

6. The front elevation of each townhouse within the terrace has three windows to each floor with cornicing around the central first- and second- floor windows and a balustrade to the first-floor balcony. Due to the mews development to the rear and the mid-terrace location of the appeal building, the rear and side elevations are largely considered to be 'internal' elevations as they address an internal courtyard area. These elevations are of a brick construction with attractive brickwork detailing around the windows which punctuate the walls. The windows are of varied sizes and appearances, nevertheless, many appear to be timber framed.
7. The listed terrace derives its special interest and significance, in part, from its attractive architectural detailing and its homogenous features and traditional materials, authentic to the age and character of the listed building, which create a strong sense of uniformity and cohesion.
8. The appeal property is situated within the Queen's Gate Conservation Area (CA). The Queen's Gate Conservation Area Appraisal, February 2020 (CAA) states that the CA comprises groups of residential buildings which are constructed from a limited palette of materials, using primarily London stock and red bricks, stucco, stone or terracotta with timber sash or casement windows. This palette of materials gives the area coherence and a commonality where buildings sit in harmony with one another. As such, it is clear that the listed building, including the appeal property, possesses positive qualities which contribute to the character and appearance of the CA as a whole and thus to its significance as a designated heritage asset.

Effects of the proposal

9. The proposal is for the replacement of the timber framed windows to the inner courtyard of the flat. These windows are vertically proportioned. Three of the windows are divided into three panes below with three small panes above; these windows serve bedrooms. The bathroom window comprises a single larger pane below with a smaller pane above and is obscure glazed. The kitchen window has two larger lower panes with an extractor fan and one glazed pane above. The cohesive designs of the windows and the consistency of the traditional materials and finish and pane sizes lead to the windows having a regular domestic rhythm and a traditional appearance.
10. The proposed replacement windows would be finished in white heritage aluminium. This finish would be distinctly modern and would fail to respect or complement the traditional materials of the listed building. The proposed windows would also be double glazed units which would include the overtly modern feature of trickle vents, the detail of which is not shown. These elements of the window design would appear incongruous and would not be sympathetic additions to the host dwelling.
11. All of the proposed windows, bar the main bedroom, would have a larger scale glazing arrangement. The smaller high-level panes which visually break up the appearance of the window would be omitted. The larger expanses of glazing would appear more modern and would fail to reflect the domestic rhythm and traditional appearance of the existing windows. The proposed windows would lack the aforementioned consistency of those which are in situ.

12. Furthermore, with the exception of the proposed kitchen window, the windows would be tilt and turn opening. This opening mechanism would further highlight the alien nature of the proposed windows.
13. For the reasons set out above I consider that the proposed windows would fail to complement the character or status of the listed building and would appear as an uncharacteristic addition. The proposal would appear incongruous and would erode the homogeneity of the host building.
14. I recognise that the building has changed over time and that some neighbouring windows appear to use materials of a more modern appearance. However, the existence of other examples is not sufficient reason to justify the grant of planning permission. Furthermore, the Council's evidence is clear that they do not have records of planning or listed building consents relating to the replacement of other windows within this inner courtyard.
15. I note that the proposed windows would have a slim profile, features and concealed gaskets, would be set back within the reveals where possible and that there would be no alteration to the proposed aperture sizes of the windows. However, the evidence before me does not clearly set out the details of some parts of the scheme. For example, there are no details of an appropriate scale of the existing and proposed windows to allow a comparison between the two; the sections are only 'typical' and do not show the unit within the reveal; and the plans of the proposed windows don't provide the dimensions of the frames or show the trickle vents. Notwithstanding this, these considerations would be neutral and would add weight neither for nor against the proposal. Thus, these factors would not be sufficient to overcome the harm I have identified above.
16. The appellant states that the existing windows are untidy in appearance and beyond repair, offer very poor insulation and are causing a considerable amount of condensation within the property. However, at the time of my site visit I did not identify any condensation. Notwithstanding this it was clear to me that many of the windows require some maintenance.
17. The appellant further contends that, due to their poor state of repair, opening the existing windows has become a safety concern. However, at the time of my site visit I was able to safely open a number of the windows and did not note any which appeared to be in such a poor state of repair as to preclude opening them.
18. Nevertheless, even if this were the case, and considering the current condition of the windows there is no evidence before me which indicates that the existing windows are indeed beyond repair. Neither did my own observations on site lead me to reach this conclusion. As such, in my view, the current condition of the windows is not such that it is a persuasive factor in favour of allowing the appeal.
19. Whilst views towards the proposed windows would be limited, it is important to note that the host building is Grade II listed and its designation is not based solely on its visibility within the surrounding townscape. Listed status reflects a range of architectural and historic considerations and the significance of the asset derives from these factors rather than from its presence in public views. The proposed windows would be visible from neighbouring properties. The tangible harm which would be caused to the significance of the asset is set out above and the limited visibility of the proposed windows does not lead me away from this conclusion.

20. Section five of the CAA sets out the negative elements of the CA and opportunities for enhancement. This section states that some replacement windows within the CA have introduced modern designs and materials, such as uPVC and aluminium, which have little regard to the joinery which they have replaced. The proposal before me would exacerbate this issue and would introduce a material to the palette which would not be in keeping. The proposal would cause harm to an asset which adds positively to the significance of the CA. It follows that it would fail to preserve or enhance the character or appearance of the CA as a whole.
21. In finding harm to the significance of a designated heritage asset the Framework requires the category of harm to be identified, and the Planning Practice Guidance (PPG) expands upon this in requiring the extent of harm within that category to be clearly articulated. In this instance, given the limited extent and nature of the proposed development, the harm to the significance of the designated heritage assets would, individually and cumulatively, be at the lower end of less than substantial. Nevertheless, this harm is of considerable importance and weight.
22. The approach in the Framework is that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I will turn to this matter below.

Public Benefits and Heritage Balance

23. It is not unreasonable to conclude that the proposals would lead to economic, social and environmental benefits. Amongst other things, these would stem from engaging local professionals, trades and suppliers. The proposal would also result in the appeal property achieving a better level of energy efficiency. Notwithstanding this, there is no substantive evidence before me which demonstrates that the proposed development is necessary to secure the ongoing use of the listed building.
24. Whilst a number of these benefits would be private, they would also be such that they could be considered to be of broader benefit to the public. These benefits are, however, limited by the small scale of the proposals and must be considered in that context.
25. Conversely, on the other side of the balance, I have found that the proposal would fail to preserve the special interest of the Grade II listed building and would not preserve or enhance the character or appearance of the CA. The Framework indicates that great weight should be given to the conservation of these heritage assets. Consequently, the public benefits of the scheme do not outweigh the harm identified.
26. The proposal would, therefore, conflict with the statutory presumptions of s.66(1) and s.72(1) of the Act. The proposal would also conflict with Policies CD1 and CD2 of the Royal Borough of Kensington and Chelsea New Local Plan Review, July 2024 (LP). These policies, read together and amongst other things, expect development to meet the highest standards of urban design and architectural quality and respect its existing context, including historic characteristics.
27. The proposal would also fail to comply with LP Policies CD3, CD4 and CD5 which, in turn, state that applications which make changes to designated heritage assets will be permitted if they preserve or enhance the significance of the asset, require

development to preserve or enhance the character or appearance and significance of the conservation area and require any works for alterations or extensions related to listed buildings to preserve the significance of the building, or its setting or any features of special architectural or historic interest it possesses.

Conclusion

28. For the reasons set out above the appeal is dismissed.

L J O'Brien

INSPECTOR