



Appeal Decisions

Site visit made on 12 September 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th October 2017

Appeal A Ref: APP/K5600/W/17/3173359

Flat 2, 21-22 Queen's Gate Gardens, London, SW7 5LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Anastasia Ogneva against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/17/00725, dated 3 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is to change single glass in the rear and side windows for low-E double-glazed "slimlite" profile keeping existing frames.
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Appeal B Ref: APP/K5600/Y/17/3173364

Flat 2, 21-22 Queen's Gate Gardens, London, SW7 5LZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Anastasia Ogneva against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref LB/17/00726, dated 3 February 2017, was refused by notice dated 5 April 2017.
 - The works proposed are to change single glass in the rear and side windows for low-E double-glazed "slimlite" profile keeping existing frames.
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Appeal C Ref: APP/K5600/Y/17/3173362

Flat 2, 21-22 Queen's Gate Gardens, London, SW7 5LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Anastasia Ogneva against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/17/00718, dated 3 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is the change of single glazed windows to double glazed units in existing frames at front elevation at fourth floor level.
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Appeal D Ref: APP/K5600/Y/17/3173369

Flat 2, 21-22 Queen's Gate Gardens, London, SW7 5LZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Anastasia Ogneva against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/17/00719, dated 3 February 2017, was refused by notice dated 5 April 2017.
 - The works proposed are the change of single glazed windows to double glazed units in existing frames at front elevation at fourth floor level.
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Decision

1. Appeals A, B, C and D are all dismissed.

Procedural Matters

2. For appeals C and D, I have taken the description of the development from the submitted appeal forms, as these are more precise than the descriptions given on the application forms.
3. The appeals relate to replacement glazing to the front and rear elevations. I have therefore dealt with all four appeals together in my reasoning.
4. **The appellant's submitted appeal statement makes reference to the installed low profile double glazing.** However, at my visit, the glazing had not been installed and the windows were single glazed. For the avoidance of doubt, I have determined the appeal on the basis of the drawings and information, as proposed.

Main Issue

5. The main issue is the effect of the proposed works upon the Grade II listed building and any features of special architectural or historic interest which it possesses.

Reasons

6. This appeal relates to Apartment 2 which straddles across the fourth floor of Nos 21-22 Queens Gate Gardens. These are five-storey mid-terraced painted stucco properties which date from the mid-19th century, built in an Italianate style. The wider terrace, Nos 11-23 and including the appeal property, is Grade II listed.
7. To the front elevation, the architectural detailing is consistent across the terrace, with paired porticos, stuccoed balustrading to first floor balconies and second floor balconies to the 4 houses at each end of the terrace. Fenestration is also consistent with 1/1 vertical sliding sash windows or glazed timber doors with clear glazed overlight to the balconies. The overall effect is a strong uniform and orderly appearance derived from the quality and consistency of scale, materials, design and detailing and the pattern and rhythm of the fenestration forms an important element in this regard.
8. The windows serving Apartment 2 comprise of 1/1 vertical sliding sash windows to the front. To the rear elevation the window styles are mixed in terms of their scale, design and in terms of glazing bar detailing, this is common across the rear of the whole terrace. As I saw at my site visit, the windows are generally in good order and well maintained. Overall, the fenestration at Apartment 2, contributes to the uniformity of the principle elevations of the terraced row, and thus contributes to its significance. The vast majority of the windows appear to be original, but where these have been replaced, the general detailing and joinery details reflect that of the historic windows.
9. The appellant proposes the replacement of the glazing within the windows with **narrow 'slimlite' glazing which comprises of 2** panes of 4mm thick glass sheets with a 4mm gas filled cavity. The glazing would also be fixed using traditional

putty to the exterior with beading to the internal sides. The spacers between the glass panes would be black.

10. **I note the appellant's efforts in respect of** utilising the existing window frames would ensure that the loss of historic fabric would be limited to only the removal of the historic glazing. **However, I consider that the 'slimlite' glazing** proposed here would appear visually very different to a single pane of glass in terms of its reflectivity of light and double register effect, which in turn would draw the eye to the unsympathetic change. No details are provided for those windows to the rear elevation which incorporate traditional glazing bars, and the junctions and interaction of the double glazed units with these is unclear. The appellant acknowledges that the installation of the double glazed units would not be identical to the historic glazing, but considers that overall, the changes in relation to the appearance would be minimal.
11. The nature of historic windows is that these are rarely perfectly square, whereas the double glazed units themselves would be. I consider that it would be highly likely that the fixed shape of the glazing would mean that the junctions of the glazing would be exposed above any putty and beading, drawing the eye to its installation, which would not be overcome to any great degree by the use of black coloured spacers. In my view, these features, in combination with the above effects I have identified, while seemingly slight, would nevertheless make the modern glazing to the windows clearly obvious to all but the most casual of observers.
12. Furthermore, I have concerns regarding whether the existing frames would, realistically, be structurally compatible with the installation of heavier double glazed units. The existing window frames to the sash windows comprise of fine timbers to the meeting rails as well as the stiles and top and bottom rails. No information is given in respect of the weight of the new double glazed units and no detailed assessment is provided in respect of the ability of the frames to accommodate the additional weight. The English Heritage Guidance, as quoted by the appellant, clearly states that the extra weight has to be allowed for.¹ I do not therefore agree that this can be likened to the replacement of broken glass.
13. Accordingly, I consider that the replacement of the glazing both to the front elevation (Appeals C and D) and to the rear (Appeals A and B) within Apartment 2, would cause harm to the special architectural and historic interest of the listed terrace. The National Planning Policy Framework (the Framework) requires that great weight be given to the conservation of designated heritage assets. It draws a distinction between substantial harm and less than substantial harm to such assets. In light of the nature and scope of the work, I consider that harm to be less than substantial and as such, paragraph 134 states that the harm should be weighed against public benefits.
14. The appellant considers that the effect would be outweighed by the reduced energy use would give rise to both public benefits, in terms of reduced CO2 emissions as a key policy to combat climate change as well as private benefits to the householder, relating to reduced energy bills. U-values of the single glazed and double glazed windows have been provided and I accept that, over time, the glazing may well contribute to the conservation of energy. However,

¹ Energy Efficiency and Historic Buildings – English heritage 2011

the impact of replacement windows in a single apartment would be limited and such benefits would largely be confined to the occupant of the apartment.

15. **I note the appellant's** concerns with secondary glazing, and I saw that where 2 of the existing windows had this fitted, the secondary glazing was not particularly sympathetic in respect of its configuration and form. Nonetheless, this alternative would offer similar U-values as the double glazed 'slimlite' units and as the appellant notes, secondary glazing systems can vary significantly in their design and appearance. I am not persuaded that a well-designed system would not offer such benefits, while maintaining the character and historic integrity of the windows, in line with the English Heritage guidance. It is also clear that it is a modern intervention and I agree with the Council that the double glazing would represent a permanent change to the historic windows whereas secondary glazing would not normally interfere with any historic fabric.
16. I am also mindful that there may be other alternative options which would increase energy efficiency without harm, while being more suited to the appellant's **particular circumstances**.
17. The appellant makes reference to consent being granted for low profile double-glazing within a Grade I listed building, also within the Borough in 2009. However, I do not have full details of the circumstances which led to these proposals being accepted and so I cannot be sure that they represent a direct parallel to the appeal proposals including in respect of significance, scale, and development plan policy. In any case, I have determined the appeals based on their own merits.
18. Overall, taking into account the particular circumstances and having carefully considered all the evidence, I conclude that the works would fail to preserve the special architectural and historic interest of the Grade II listed building and the group listed terrace. The development would also conflict with Policy CL4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) which seeks to resist the removal or modification of features of architectural internal and external importance.

Other Matters

19. **The property is also located within the Queen's Gate Conservation Area.** The appeal property and the terrace form the northern boundary to a residential square. The wider area comprises of residential dwellings in a similar style. While I have found harm to the listed building and group listed terrace, due to the scope and scale of the works, I agree with the Council that the proposals would, on balance, preserve the character and appearance of the Conservation Area when considered as a whole.

Conclusion

20. For the reasons above, taking into account all other matters raised, I dismiss all of the appeals.

C Searson

INSPECTOR