

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	21-23 Hugh Street, London, SW1V 1QJ,		
Proposal	Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.		
Agent	Mr Elie Osborne		
On behalf of	Mr & Mrs Patel		
Registered Number	17/07816/FULL	Date amended/ completed	5 September 2017
Date Application Received	31 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

## 1. RECOMMENDATION

Refuse planning permission - harms appearance of building and Pimlico Conservation Area

## 2. SUMMARY

The application relates to an unlisted pair of buildings of merit within the Pimlico Conservation Area, used for many years as a hotel (no.23) and two flats (no.21). The hotel and the upper flat at no. 21 are linked internally and share a rear yard which backs onto Hugh Mews.

Planning permission is sought to retain 8 UPVC windows and one UPVC door installed to the rear of the two properties without the benefit of planning permission, replacing original painted timber sash windows. This follows an enforcement complaint which remains open pending the result of this application.

Due to the lawful use of each building, the properties do not benefit from Permitted Development Rights for the replacement of windows, and as such planning permission is required for this work.

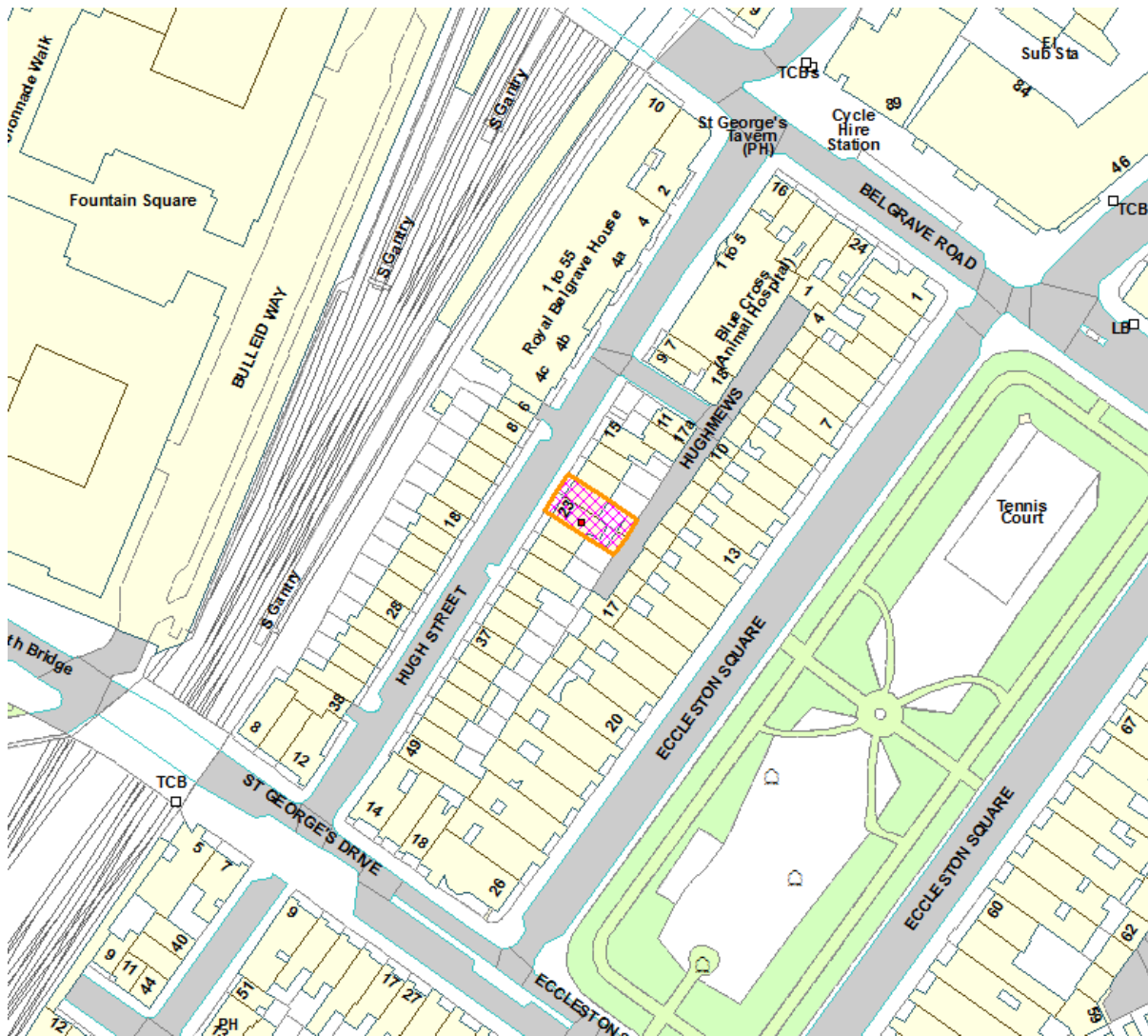
The determination of this application follows the resolution of two recent parallel applications for Certificates of Lawfulness, the first of which was refused in April 2018 (RN: 17/09800/CLEUD), the second of which was approved in July 2018 (RN: 18/03499/CLEUD). These have established that the remaining 8 windows and 1 door which are the subject of this current application remain unlawful, whilst those subject of the more recent CLEUD are lawful and no longer form a part of this

application.

It is considered that the windows and door in question harms the appearance of the building and the character and appearance of the wider Pimlico Conservation Area and are contrary to local and national policies and guidance.

The application is recommended for refusal.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Nos. 21 (right) and 23 (left) Hugh Street, rear elevation, as seen from Hugh Mews.





No.21 Hugh Street, as viewed from rear yard



No.23 Hugh Street as viewed from rear yard

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR WARWICK:

Cllr Wilkinson: would like to address the planning committee and questions officers' statement that the frame profile, materiality and details [of UPVC windows] are 'much inferior' to sash windows.

WESTMINSTER SOCIETY: No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to the rear elevation of an unlisted pair of historic buildings of merit within the Pimlico Conservation Area, used for many years as a small hotel (no.23) with residential accommodation within no.21. No.21 is split between a small lower-ground floor flat, and a larger dwelling which occupies the ground and upper floors. Originally two separate mid-terrace dwellings, the hotel and larger dwelling are linked internally by a door at ground floor level, and share a rear yard which backs onto Hugh Mews which is a publically accessible private road.

All windows and external doors to the front elevation remain as original, whilst all windows and external doors to the rear elevation have been replaced with UPVC casement windows in recent years; all but two of those are the subject of this application.

The conservation area is characterised by regularly planned terraces of mostly medium-sized mid Victorian dwellings, built of brick and stucco to front elevations, with plainer stock-brick rear elevations.

Windows in the area, both historically and still today, are overwhelmingly painted timber sash windows, to both front and rear elevations. Whilst some windows have been replaced in the area, both lawfully and unlawfully, by a mixture of different window types including UPVC, the area retains a remarkable degree of architectural intactness compared with similar conservation areas, including the retention of original windows to both front and rear elevations.

## 6.2 Recent Relevant History

### 18/03499/CLEUD

Retention of upvc double glazed white Georgian rear first floor door and window  
Application Permitted 5 July 2018

### 17/09800/CLEUD

Retention of double glazed UPVC windows at rear on first, second and third floor levels to both 21-23 Hugh Street  
Application Refused 24 April 2018

### 10/10690/FULL

Erection of replacement conservatory at rear basement level and retention of rear decking to garden area.  
Application Permitted 26 May 2011

### 03/05371/FULL

Erection of single-storey rear conservatory at basement level and replacement of windows to front basement and rear ground floor level.  
Application Permitted 12 September 2003

## 7. THE PROPOSAL

Permission is sought to retain eight of the UPVC windows and one door to the rear which have been installed within the past four years.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No.23 is in use as a hotel (Class C1). The lawful use of no.21 is as two separate dwellings – one lower-ground floor flat, and one ground to third floor flat. Given that the property is in use as two flats it is not considered to be a 'single dwelling house' under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In addition the upper flat has an internal link with the adjacent hotel (no.23). No. 21 therefore does not benefit from Permitted Development Rights which allows single family dwellings to carry out specific works without the need to apply for planning permission. Therefore permission is required for the replacement UPVC windows

### 8.2 Townscape and Design

No. 21 and 23 Hugh Street are attractive mid 19C former houses which form part of a longer terrace forming the eastern side of Hugh Street, within the Pimlico Conservation Area.

The terrace is located within an area of consistent townscape with rows of terraced houses with painted timber sliding sash windows, stuccoed ground floors and brick



upper floors. The buildings found on this street are good examples of their period and represent good examples of the wider Pimlico Conservation Area.

The buildings are plainer to the rear and feature projecting closet wings. As to the front elevation most properties to the rear retain their timber sash windows but some have been replaced without planning permission.

The windows across the entire rear of the application site, no 21 and 23, have been replaced with UPVC double glazed windows without the benefit of planning permission. This consists of 4 windows, 1 door, and set of 1 French doors to no.21, and 5 windows and 1 door to no.23. Of those to no.21, the ground floor door and window benefit from a Certificate of Lawfulness confirming that they have been in place for more than four years (RN: 18/03499/CLEUD), and that they are therefore lawful. They are therefore no longer part of this application to retain the remaining windows and door. This application also does not relate to the four dormer windows at third floor level, nor the front elevation.

This application proposes the retention of eight double glazed uPVC windows and one door to the rear elevation of both 21 and 23 Hugh Street. Policies DES 1, DES 5 and DES 9 of the City Council's UDP are of relevance. Paragraph 10.56 supporting DES 5 is of particular relevance in that it sets out the council's position regarding the replacement of windows:

"Replacement windows should be designed to complement the architectural style and detailing of the existing building. Where existing windows contribute to the townscape value of a building, they should be retained. If they must be replaced, the new windows should be exact copies of the originals. The use of uPVC or aluminium window will not normally be acceptable in such situations."

A number of appeals for the installation of plastic windows throughout Westminster and in particular within Pimlico Conservation Area have been lodged and dismissed in recent years.

In 2012, an Inspector dismissed a group of appeals relating to a collection of unlisted buildings outside of a conservation area in Portnall Road area of the City. Despite the lack of heritage designations, he found that, "the installations ... are harmful to the character and appearance of the appeal properties and the surrounding area".

In 2014 another inspector dismissed an appeal relating to a mansion block within the Portman Estate Conservation Area, for UPVC windows to the rear of the building. He found that, "They are much bulkier in their design and profile and their shiny smooth finish creates an uncharacteristically modern appearance. This is a stark contrast to the traditional design and materials of the remaining windows in the building. Whilst I acknowledge that the first floor flat has similar windows to that proposed, the Council has confirmed that these do not benefit from planning permission. As such, I attribute little weight to this matter" (PINS ref: X5990/A/14/2217609).

Very recently, in August 2018 an appeal in Shirland Road, within the Maida Vale Conservation Area, was dismissed for the replacement of timber sash windows with

UPVC. This case is notable to this current case due to the architectural similarities to Pimlico. The Inspector found that:

“The most significant difference between the windows which have been installed at the appeal site and those which are present elsewhere on the terraced buildings are the wide uPVC frames around the glazed panels. In combination with the characteristic white painted window stucco surrounds, these result in the glazed elements of the window appearing narrower than the prevailing width. The adverse impact on the appearance of the terraces is further exacerbated by the overall bulky appearance of the openings in comparison with those on neighbouring buildings in the terraces, arising from the use of uPVC elements with a wider profile than those normally associated with timber windows. Therefore the replacement windows are a jarring element within the rhythm of openings in the terrace which detracts from the character and appearance of the building and the conservation area” (PINS ref: X5990/W/18/3194969).

These are just a small selection of past appeal decisions relating to UPVC windows within Westminster, and both here and more widely throughout the country appeal inspectors have consistently found that UPVC windows are not an adequately close match to historic windows of various types, most notably including painted timber sash windows as here.

Historic England's guidance documents entitled, 'Energy Efficiency and Historic Buildings' (2011) and, 'Traditional Windows: Their Care, Repair and Upgrading' (2014 and republished 2017) emphasise that even the simplest repair and basic improvements will bring significant reduction in draughts and heat loss and that using a combination of these efforts will upgrade a window to meet Building Regulation targets. The guidance also notes the harmful impact poorly detailed windows can have on historic buildings. With particular respect to uPVC windows the 2017 guidance includes the following remarks:

"The different appearance and character of PVC-u windows compared to historic windows is highly likely to make them unsuitable for older buildings ... these windows are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows. Manufacturers have been unable to replicate the sections / glazing bars used in most timber and steel windows due to the limited strength of the material and the additional weight of the secondary glazing units."

Timber sash windows, as existed on this property previously, feature very slim profile frames, allowing the glazing to occupy a large proportion of the overall window opening. UPVC windows by contrast inevitably (due to the weaker strength of UPVC) have much broad profile frames, which narrows the size of the glazed 'voids' and thereby alters the architectural composition of the building. Furthermore, the perfectly smooth, 'moulded' finish and profile of UPVC frames exhibits none of the textural character of painted timber, and weathers differently. The windows installed at this property open in a fundamentally different manner to the vertically sliding timber sash windows which existed previously, in that the installed UPVC casement windows are hinged at the top, and swing outwards when open, so disrupting the building line and refinement of the elevation.

Finally but importantly, the original windows featured genuine timber glazing bars which held a number of separate panes of glass. These glazing bars added further texture and architectural definition to the windows, also breaking up the potential reflective effects of the glazing in a manner which almost makes the façade 'twinkle' due to the miniscule differences in the angle of individual panes of glass.

The installed windows have vainly attempted to copy this detail with flat plastic 'astragal' bars set internally within a single large double-glazed unit per window, resulting in an aesthetically very flat and poorly refined design, and a very monotonous, potentially glaring large expanses of singularly reflective glass.

This application is contrary to DES 1; DES 5 and DES 9 of the Westminster UDP; and DES 28 of our City Plan.

### **8.3 Residential Amenity**

The application does not raise any amenity issues.

### **8.4 Transportation/Parking**

The application does not raise any transportation issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

The proposal does not raise any accessibility issues.

### **8.7 Other UDP/Westminster Policy Considerations**

There are none

### **8.8 Neighbourhood Plans**

There is not currently a Neighbourhood Plan for Pimlico.

### **8.9 London Plan**

This application raises no strategic issues.

### **8.10 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

#### **8.11 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is zero.

#### **8.12 Environmental Impact Assessment**

There are no Environmental Impact Considerations raised by this proposal.

#### **8.13 Other Issues**

There are none.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

## 9. KEY DRAWINGS



PRE-EXISTING REAR ELEVATION  
SCALE 1:100





**DRAFT DECISION LETTER**

**Address:** 21-23 Hugh Street, London, SW1V 1QJ,

**Proposal:** Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.

**Reference:** 17/07816/FULL

**Plan Nos:** HS03 (existing); HS03 (pre existing / proposed).

**Case Officer:** Andrew Barber

**Direct Tel. No.** 020 7641 7708

**Recommended Condition(s) and Reason(s)****Reason:**

Because of their materials and detailed design the installed UPVC windows harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and Policies DES 1, DES 5 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The proposals are also contrary to paragraph 196 of the NPPF (2018). (X16AD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 We know that the work for which we have refused permission has already been completed. We may take legal action to have the work removed and the building restored to how it was. (I25AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.