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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 30 April 2024 | Classification For General Release | |
| Report of Director of Town Planning & Building Control | | Ward(s) involved St James's | |
| Subject of Report | Beaumont, Fletcher and Sheridan Buildings, Martlett Court, London, WC2B 5SF | | |
| Proposal | Replacement of the existing windows with UPVC double glazed windows, replacement of doors and new render detailing around windows in gable elevations of Fletcher, Beaumont and Sheridan Buildings. | | |
| Agent | JD Clayton Ltd - Mr John Clayton | | |
| On behalf of | Westminster City Council | | |
| Registered Number | 23/08154/COFUL | Date amended/ completed | 23 November 2023 |
| Date Application Received | 23 November 2023 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Outside of, but within the setting of, the Covent Garden Conservation Area | | |
| Neighbourhood Plan | Not applicable. | | |

1. RECOMMENDATION

Refuse planning permission – harm to the appearance of the buildings, harm setting of the adjacent Covent Garden Conservation Area and grade II listed Bow Street Magistrates Court and not following principles of sustainable design.

2. SUMMARY & KEY CONSIDERATIONS

The application site comprises three residential tenement buildings named the Beaumont, Fletcher and Sheridan Buildings. Each comprise five storeys and date from the late 19th Century and are considered undesignated heritage assets. Whilst the site is located outside of a conservation area, the buildings are within the setting of the Covent Garden Conservation Area. The Fletcher Building is also within the setting of the grade II listed Bow Street Magistrates Court.

The applicant seeks planning permission for the replacement of all the existing single glazed timber sash windows and Crittall windows with double-glazed uPVC windows, the replacement of external render with an insulated cladding system and replacement of entrance doors.

The key considerations in this case are:

- The acceptability of the proposed windows in sustainability terms.
- The acceptability of the proposed windows in design terms.
The visual impact of the proposed works on the setting of nearby designated heritage assets, including impact on adjacent listed buildings and the Covent Garden Conservation Area.

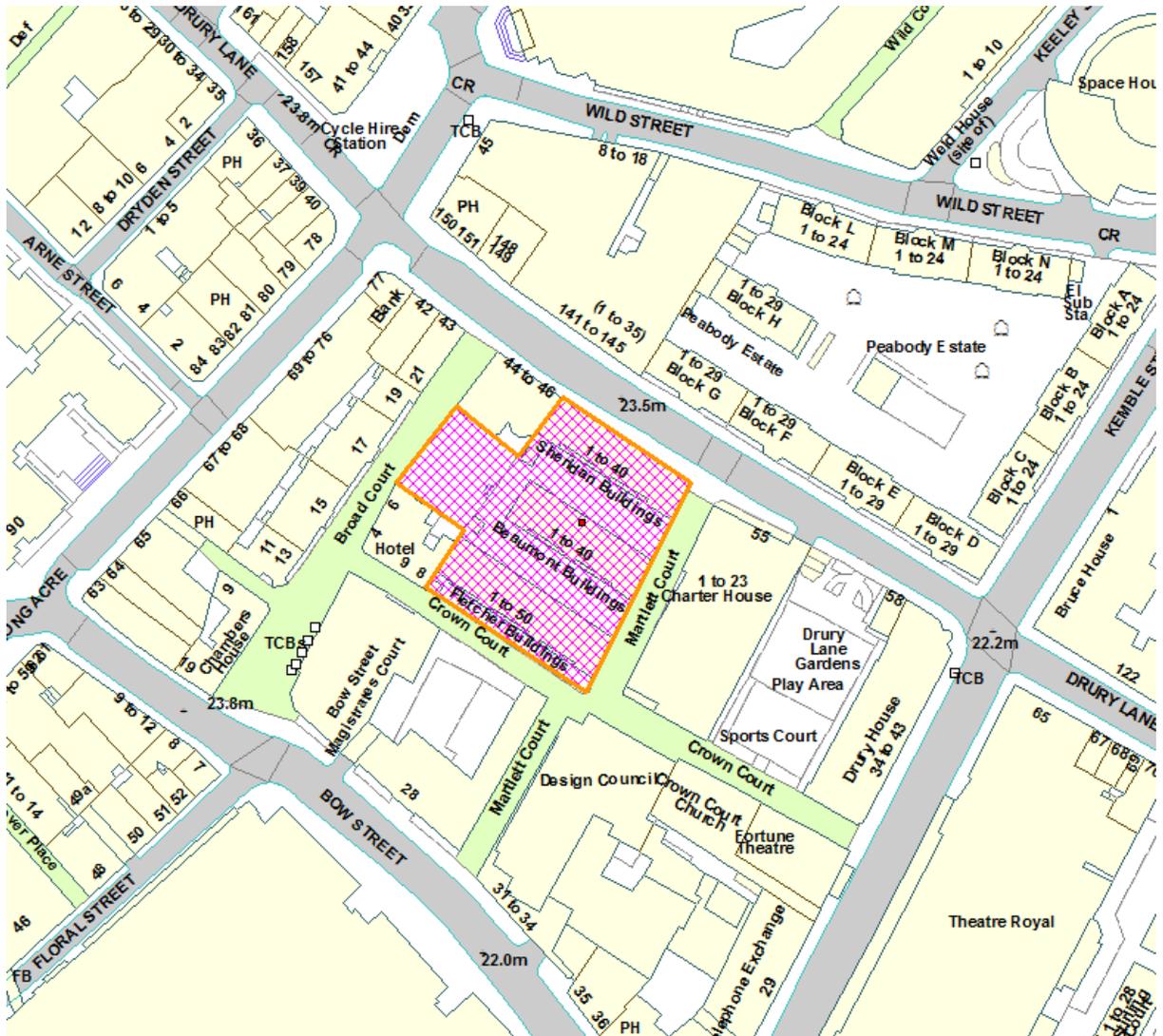
Objectors, including 20 residents, the Covent Garden Community Association and the Victorian Society, consider plastic windows would harm the appearance of the building and setting of the conservation area. They also do not consider plastic windows are a sustainable option and will have shorter life spans than plastic windows.

15 supporters consider that the proposed replacement windows would be more energy efficient and also more economically and environmentally sustainable as they would have lower maintenance costs.

This report explains the proposed windows would be harmful to the appearance of the building and the setting of the adjacent conservation area. The use of plastic does not follow the principles of sustainable design.

The proposal is assessed against the relevant policies set out in the City Plan 2019-2040. For the reasons set out in the report, the proposed works, are unacceptable in design, heritage, townscape and sustainability terms. The heritage harm identified in this report is not outweighed by public benefits. The application is therefore recommended for refusal as set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

**Consultations carried out on the 14/12/2023 and 24/01/2024.
(The second consultation followed submission of a Heritage Statement and Sustainability Statement)**

COVENT GARDEN COMMUNITY ASSOCIATION

Objects. Consider that the historic character of the building would be lost if timber windows are to be replaced with uncharacteristic uPVC whilst they would fail to preserve the character and appearance of the Covent Garden area. Furthermore, uPVC has shorter lifespans compared to timber, are prone to discolouration and less easily repairable and result in condensation issues. Note that other housing associations have reverted to timber where uPVC has been previously installed. Double-glazed timber framing, as previously approved, could provide purported building performance improvements whilst protecting the historic character of the building and area.

COVENT GARDEN AREA TRUST

Notes a preference for repairing and maintaining windows with appropriate replacement or replica components that look materially the same as original elements.

VICTORIAN SOCIETY

Objects. Note the importance of the buildings as examples of early 19th century tenement housing and the historic detailing of the existing timber sash windows, considering the buildings as undesignated heritage assets. The uPVC would be noticeably different harming the historic appearance of the buildings and streetscape. Other options should be explored which retain or replicate the glazing more closely.

ADJOINING OWNERS/OCCUPIERS & OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 142

No. of replies: 35

No. of objections: 20

No. of support: 15

OBJECTIONS

Sustainability & Maintenance

- uPVC would be prone to discolouration and cannot be repainted like timber to fix deterioration, it would need to be replaced in the future, with shorter lifespans and thus with higher longer-term costs.
- uPVC has a lifespan of just 15-30 years whereas timber can last over 100 years when properly maintained.
- The technical workings of mechanisms within uPVC means they are prone to failure whilst plastic can warp, meaning they could require more frequent replacement and so cost.
- Wood is a natural, sustainable and environmentally friendly product, as opposed to uPVC.
- Whilst upfront costs for timber may be more, as they would last longer, they would be more sustainable and cost less in the longer term.

- Whilst timber may require 10 year cyclical maintenance, this should be expected as part of continuous wider building maintenance.
- Soho Housing, Peabody and other housing providers have been removing uPVC windows and replacing them with timber as they have found uPVC to be troublesome, having shorter lifespans, often one third of wood, they crack, discolour, require constant repair, having substandard details like stick on beading.
- From experience living in previous properties with uPVC, plastic windows result in more maintenance issues from condensation, poor ventilation, breaking and discolouration.

Design & Conservation

- uPVC would look ugly and devalue the buildings. In contrast timber is the characteristic window framing material for the area and buildings and it would look beautiful for years to come and so should be maintained as such.
- The metal mechanisms within the window would be visible when windows are open, which would exacerbate their uncharacteristic and non-historic appearance.
- Martlett Court and this part of Covent Garden has historical and cultural significance, uPVC would look aesthetically unpleasant and would be 'cultural vandalism'.
- Covent Garden is renowned for its rich history and unique charm, largely attributed to the preserved Victorian-era buildings and architectural features. Allowing the installation of plastic windows on such prominent buildings would significantly compromise its aesthetic and historical significance and the surrounding area.
- The buildings overlook the Covent Garden Conservation Area and opposite listed buildings. uPVC would be inappropriate and harmful to this context.
- These beautiful and historic flats immediately border onto the Covent Garden heritage area. As such, any proposed materials should be of the highest quality and be in visual harmony with this world-renowned neighbourhood. The use of PVC windows and cheap beading would blight the flats and appearance of the area.

Other Issues

- Experience from uPVC windows are that they do not provide adequate ventilation and do prevent condensation compared to timber windows.
- Concern that due to the number of plastic windows proposed, and that they are heavier with greater load bearing, whether this would have a cumulative impact upon the structural integrity of this historic building given its age.
- In a pre-application survey of residents only 26 out of 127 voted for plastic windows.
- Plastic windows would devalue flats for leaseholders.

SUPPORT

Sustainability & Maintenance

- The proposed windows would be more sustainable and energy efficient as they'd have a BRE Green Guide 'A' rating and a U-Value to meet current Building Regulations and remove the need for cyclical decorating.
- The proposed windows would require less maintenance and cleaning.
- The Council have failed to maintain the existing timber frames since the 1990s and so they are in a poor state of repair. The proposed windows are a cost effective, low maintenance, sustainable solution for the future.

Design & Conservation

- The site is not within a conservation area and the fenestration will match the existing and so the proposals would not harm the appearance of the area.
- As all the windows would be uPVC they would all match, improving the appearance of the buildings.

Other Issues

- The proposed windows would not require cyclical painting or repair and so more cost effective to maintain.
- Concern that new windows should be able to be safely cleaned from the outside.
- A survey, with a turnout rate of 35% (i.e 44 flats), returned a majority favouring replacement of windows with uPVC and these residents views should be adhered to.

5.2 Applicant's Pre-Application Community Engagement

It is understood that engagement was carried out by the applicant with the local community in the area prior to the submission of the planning application. Although, unfortunately the applicant has not provided details of this engagement and so it is unclear whether it was carried out in accordance with the principles set out in the Early Community Engagement guidance. Nonetheless, the application must be considered on its planning merits.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is within the Central Activities Zone and is formed of three unlisted residential tenement buildings named the Fletcher, Beaumont and Sheridan Buildings. Each comprise five storeys and date from the late 19th Century and are considered undesignated heritage assets. Whilst the site is located outside of a conservation area,

the buildings are within the setting of the Covent Garden Conservation Area, the boundary of which encloses the southern, western and northern boundaries of the site and make a positive contribution to the appearance of the area. The Fletcher Building also opposes the grade II listed Bow Street Magistrates Court located on the opposite side of Crown Court.

7.2 Recent Relevant History

On 17 January, the City Council granted permission for the replacement of the existing windows to Beaumont Buildings, Fletcher Buildings and Sheridan Buildings with new windows comprising a mix of decorated timber double glazed sliding sash, casement and fixed window units.

On 4 September 2023, the City Council granted permission for the installation of replacement timber sash and casement windows and flat entrance doors to flats, as well as new render detailing around windows to gable elevations of Fletcher, Beaumont and Sheridan Buildings.

These permissions have not been implemented.

8. THE PROPOSAL

Planning permission is sought for the replacement of all of the existing single glazed timber sash windows and Crittall windows with double-glazed uPVC windows, the replacement of external render with an insulated cladding system and replacement of doors.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 12 of Westminster's City Plan (April 2021) seeks to improve the quality of residential accommodation. Improving the thermal efficiency of the buildings will result in an improved living environment, which is supported. The buildings are currently used as residential flats and no changes are proposed in land use terms.

9.2 Environment & Sustainability

Sustainable Design & Energy Performance

Policy 36 of Westminster's City Plan (April 2021) seeks to promote zero carbon development and expects all development to reduce on-site energy demand to minimise the effects of climate change whilst Policy 38 (D) requires developments incorporate sustainable design measures to enable extended building lifetimes, including the use of high-quality durable materials.

The Council's 'Environment Supplementary Planning Document' (2022) supports the retrofitting of historic buildings with double-glazing to improve energy performance subject to design detail and sensitivity to historic buildings and heritage assets.

The disposal of hundreds of serviceable 19th century sash windows capable of refurbishment, will have a negative environmental impact in terms of loss of embodied carbon in those windows and the carbon involved in manufacturing, transporting and installing the glass and plastic the new windows are made of.

While the loss of original windows could be justified if replaced with the same matching sustainable and renewable materials, ie. timber, the same reasoning does not apply to replacing with a modern material made from non-renewable resources, such as UPVC (unplasticized polyvinyl chloride), i.e. plastic.

Like any manufactured material, the use of UPVC has a number of environmental issues associated with its production and disposal being primarily made from oil (43%) and (57%) salt products (source: British Plastics Federation). While it is recyclable, there are limited facilities in Britain to do so and 83% of UPVC waste goes to landfill (source: World Wildlife Fund). UPVC recycling is also limited due to collection and contamination issues, as well as the relatively low value of both the raw material and post-consumer material.

UPVC windows have a short lifespan of 30-35 years (source: Building Research Establishment), which compares unfavourably with historic timber windows, an issue also raised in objection comments. For example, Martlett Court's present windows are around 125 years old and much older examples remain throughout the City. UPVC is not biodegradable nor can it be painted, so while it can degrade and turn yellow after long term contact with sunlight, it will never rot. It can be incinerated in controlled circumstances, though it produces 21 times more toxic dioxins than timber when incinerated.

New UPVC windows have in use benefits, such as improving the energy efficiency of the building by reducing energy demand (as supporters have noted), with consequent benefits to resident comfort and wellbeing, from lower bills. However, these benefits, which positively contribute to the City Council's aim to become zero carbon by 2040 and mitigate climate change, could also be achieved with the previously approved double-glazed timber windows.

In sustainability terms, there are lower impact options to complete window replacement, which also could meet energy efficiency and resident need. Firstly, there are the approved timber windows, but also re-glazing the existing historic timber frames with slim double glazed panels, with refurbishment (draft strip brushes and new seals) and redecoration is also a feasible option. Such an approach would combine carbon savings from avoiding purchasing new windows of newly with minimising waste of the existing windows.

The Sustainable Design Statement outlines that the proposed uPVC windows would achieve a BRE Green Guide 'A' rating and a U-Value to meet current Building Regulations and so would have a significantly greater energy efficiency than the existing single-glazed windows. However, the same energy efficiency benefits could also be achieved from timber double-glazing. Whilst timber may require cyclical maintenance and repainting, UPVC windows would also be prone to discoloration in the longer term which could require more carbon intensive, and costly, replacement rather than repair and maintenance – this is particularly the case when comparing the life span of timber

and UPVC windows.

9.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

Given the proposals relate to alteration of a building within the setting of the Covent Garden Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster's City Plan.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In relation to undesignated heritage assets, the NPPF states the effect of an application on the significance of these assets should be taken into account in determining the application. In considering such applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment

The most of the proposed windows are UPVC sliding sashes designed to replicate the existing designs, the manufacturers information illustrates a window design called 'Roseview', which is stated as being the closest match to traditional timber sash windows. However, the sashes are not weighted, as a traditional sash is, but have a concealed spiral balance mechanism. Spiral balance systems have more movable parts and are known to be more difficult to maintain / repair and so do not have the longevity of weighted systems. Detailed drawings have been submitted to show the existing windows and proposed details allowing a comparison.

The detailed design of the UPVC window differs in a number of respects to the existing timber sashes and metal and timber casements, for example the frame sections of the sliding sashes are significantly thicker:

- the existing timber meeting rail is currently 30 mm, while the proposed UPVC is 38 mm.
- the existing timber cill and bottom rail is currently 90 mm high, while the proposed UPVC is 151 mm high.
- the existing timber top rail and box is currently projects 70mm high from the

brickwork, while the proposed UPVC projects 106mm.

As a result of these dimensions the frame casings would project further beyond the brickwork on each side than the original timber sash boxes, more plastic being visible than is timber of the present window and the overall design would have a heavier appearance.

The frame sections of the casements are also significantly thicker with a large overlap, particularly noticeable on the bathrooms, presently Crittall steel casements.

- the existing bottom rail is 60mm high, but would become 99mm, while the top rail presently 45mm, would become 94mm, the stile (side glazing bar) is 45mm and become 65mm, with the use of UPVC.

The frame sections of the UPVC casements replacing timber casements are also significantly thicker, again with a large overlap.

- the existing cill and bottom rail is 80mm high, but would become 109 mm, while the top rail presently 25 mm, would become 94 mm,
- stile (side glazing bar) is 65 mm and become 94 mm, with the use of UPVC.

In addition:

- the opening profile of the sashes has a tilt mechanism, as well as a sliding sash.
- the windows are glazed the 'wrong' way around, i.e. with glazing beads to effect putty on the inside rather than outside.
- the glazing bars would be applied and adhered, rather than part of the frame.

The present buildings are considered to be 'undesigned' heritage assets. The NPPF glossary defines a heritage asset as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'.

Marlett Court is a traditional passageway route, typical of the original development form of Covent Garden, which is known for its discreet courts and lanes. The red brick facades of these imposing Victorian tenement blocks are attractively uniform in appearance with painted timber sash windows within arched openings. The linear arrangement of the three blocks facing each other, with communal gardens evoking the courts of old between, overlooked by balconied walkways, are an interesting and now rare element of the architecture of the area.

While tenement buildings are typically architecturally restrained, the blocks are not without architectural flourishes, such as the curved pediments and projecting bow windows to the fourth floor.

The blocks are located on the boundary of the Covent Garden Conservation Area and contribute to the attractiveness of the conservation area's setting. As well as their appearance and architectural details, the buildings have significance in terms of their social history, as examples of worker housing relating to Covent Garden Market, as the

Victorian Society have commented and which neighbouring objectors have also noted. The Flechter Building also opposes the grade II listed Bow Street Magistrates Court, which is a prominent and widely recognised building in the area.

The Covent Conservation Area Audit is presently being undertaken by external consultants. While not a material consideration here, were the buildings within the conservation area, they would still be considered (undesigned) heritage assets.

Policy 38 of the City Plan relates to design quality borough wide and part b *Responding to Westminster's Context* says that *'All development will positively contribute to Westminster's townscape and streetscape, having regard to: 1. the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways'*.

The use of plastic windows with different frame thickness and detailing would not respond positively to Westminster's context. A positive response to the attractive composition of three traditionally constructed Victorian buildings in Marlett Court, with largely intact tradition fenestration would be to refurbish the existing windows or use matching materials to replicate them in detailing typical of the building and period. i.e. timber.

Part D Sustainable design says that: *'Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including: 1. use of high-quality durable materials and detail;*

Given what is known of the limited lifespan of plastic compared to timber windows, the proposal is not consistent with the sustainability aims of part D of the policy 38. The need for ongoing window replacement with the consequent loss of embodied carbon of the original windows and of each successive program of replacements should be avoided by using a product with greater longevity. Given the age of the buildings and the expectation that most buildings presently existing will exist in 50 years' time, UPVC would represent a temporary installation with an ongoing carbon (and financial) cost to the owner(s) (i.e. Westminster City Council and the long leaseholders).

Policy 39 relates to Westminster's heritage and states that 'Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access to and awareness of the city's heritage will be promoted. B. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will: 1. ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance;

Changes of style, architectural quality and or / use of lower quality materials in alterations and extensions to buildings can have a harmful visual impact on the buildings, whether assets or not, as well as the setting of heritage assets, such as listed buildings or a conservation areas. These works can lessen the appreciation and views of heritage assets when a marked or striking contrasts are juxtaposed against each other.

In previously approving timber double glazed windows, the committee report stated:

'Fortunately, in this case, the use of timber sash windows will ensure the visual impact of the works to these period blocks is minimised and that the buildings continue to have a positive contribution to the setting of adjacent listed buildings and the Covent Garden Conservation Area'.

The converse is not the case, UPVC windows throughout Fletcher, Beaumont and Sheridan Buildings will be a visually arresting alteration, appearing starkly different to the block's existing architectural elements and jar with the traditional setting. For example, Drury Lane side has Victorian London stock Victorian Peabody housing blocks, with double glazed timber sliding sashes. The use of plastic windows to the blocks of Martlett Court, in particular Sheridan Building, which faces Drury Lane would be seen in the context of these timber sashes and contrast unsympathetically with the Peabody buildings.

Impact on Heritage Assets & Design Conclusion

The detrimental impact of the works to the appearance of Fletcher, Beaumont and Sheridan Buildings and setting of the Covent Garden Conservation Area and grade II listed Bow Street Magistrates Court would be harmful. And, it would result in 'less than substantial' harm to the setting of a designated heritage assets: the Covent Garden Conservation Area and grade II listed Bow Street Magistrates Court.

Given the multitude of windows and their prominence within the six main elevations, there would be a moderate degree of harm to the significance these undesignated heritage assets. Whereas the impact on the adjacent designated assets, i.e. the conservation area and listed building, the impact on their setting would be in the lower half of the less than substantial scale.

The conservation of designated heritage assets should be afforded great weight in the planning balance, with any harm weighed against public benefits. However, in this instance, as set out in section 9.11 of this report, given the energy efficiency / climate change mitigation benefits could be achieved without the harm identified to the undesignated heritage assets and setting of the Covent Garden Conservation Area and listed building through other measures, such as timber framed double-glazing, there are limited mitigations which are not considered to outweigh the harm identified.

For the above reasons the proposals are considered contrary to policies 38, 39 and 40 of Westminster's City Plan and Chapters 12 and 16 of the NPPF. The proposals are therefore considered unacceptable in design terms.

9.4 Biodiversity & Greening

As the proposals relate to window and door replacements and new insulation render to the gables, the proposals do not provide urban greening measures.

9.5 Residential Amenity

Policies 7 and 33 of Westminster's City Plan seek to protect residential amenity and

would resist proposals that would result in harm by way of increased sense of enclosure, loss of light, privacy or unacceptable noise disturbance.

The proposals seek to replace windows and doors in the same positions. Where obscured glazing is present, this would be replicated. The double-glazing would offer greater noise insulation from external noise disturbance for occupiers. The above considered the proposals raise no significant amenity issues.

9.6 Transportation, Accessibility & Servicing

As the proposals relate to replacement of existing windows, doors and facing materials the proposals raise no highways issues.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

9.11 Assessment of Planning Balance

As set out within Section 9.3 of this report, the harm is considered to be less than substantial harm to the character and appearance of the Covent Garden Conservation Area and to the listed buildings and their settings. The harm would be caused by the detailed design and materiality of the proposed uPVC windows. The level of harm caused would be at the lower end of less than substantial.

Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage

asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

The proposals would provide public benefits conferred from the proposals as a sustainability measure in the form of increased energy efficiency of the housing stock helping the council reduce carbon emissions to help reduce the effects of climate change.

The public benefits that would flow from the proposed development are identified in Sections 9.2 and 9.3 and summarised above. However, whilst the scheme would deliver these public benefits it is concluded that they would have limited significance in this case due to the fact that these benefits could be achieved through alternative proposals such as timber framed windows which would not result in the harm identified whilst the embodied carbon and shorter lifespan of UPVC compared to timber would be a limiting factor of these sustainability benefits. Consequently, the public benefits would not be of such significance that they would be sufficient to outweigh the less than substantial heritage harm that would occur, and therefore the proposal would not comply with paragraph 208 in the NPPF. The proposal is also not considered to comply with the requirements in relation to undesignated heritage assets in paragraph 209 of the NPPF. Accordingly, a clear and convincing justification for the harm caused to the designated heritage assets has not been presented in compliance with paragraph 206 of the NPPF.

10. Conclusion

Martlett Court and its tenement buildings, Beaumont, Sheridan and Fletcher, are historic and attractive early 19th century Victorian redbrick buildings which are considered to be undesignated heritage assets which make a positive contribution to the setting of the Covent Garden Conservation Area and the grade II listed Bow Street Magistrates Court..

The removal of the historic timber sash windows would harm the appearance of these buildings and the setting of the Covent Garden Conservation Area and the listed building. Whilst the proposed UPVC windows would improve comfort and wellbeing of the occupiers of the flats through lowering the building's energy use and subsequently its contribution to climate change, these benefits could equally be achieved through other means which would not cause the identified harm.

Accordingly, the proposed development would fail to accord with policies 38, 39 and 40 of Westminster's City Plan and would not meet the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, it is recommended that planning permission should be refused on grounds that the proposed development would result in harm the character and appearance of the buildings and setting of the Covent Garden Conservation Area.

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

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| IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk |
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11. KEY DRAWINGS

Existing Single-Glazed Timber Sash & Crittall Casement Windows (Typical Details)

Notes:
This is not intended or suitable for other Building Regulations or Construction purposes and should not be used for such.

Notes:
All dimensions were taken externally and are for discussion purposes only. All rebates are assumed and to be checked on site by others.

PLANNING ISSUE

NO. 100123 (10/01/2023) Planning Issue
Date: 10/01/2023

united living
property services

City of Westminster

PROPOSED WINDOW & FIRE DOOR REPLACEMENT AT
SMARLETT COURT, COVE/IT GARDEN,
WC2B 8EU

REVISIONS
TYPICAL EXISTING WINDOW ELEVATION & SECTIONS

| NO. | DATE | DESCRIPTION | BY |
|------------------------|----------------|-------------|----|
| 20217-PL-APP-DWG-A-102 | PL | | |
| 20217 | 1:10 & 1:2 @A1 | Mar 2024 | |

JD CLAYTON Ltd. **DRAGON DESIGN**
BUILDING CONSULTING
DRAWING SERVICES

10/01/2023 | 10:00 | 1001 | 1001

Beaumont Building Existing Elevation



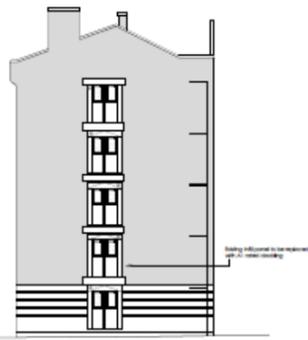
EXISTING SOUTH WEST ELEVATION
Scale: 1/32



EXISTING SOUTH EAST ELEVATION
Scale: 1/32



EXISTING NORTH EAST ELEVATION
Scale: 1/32

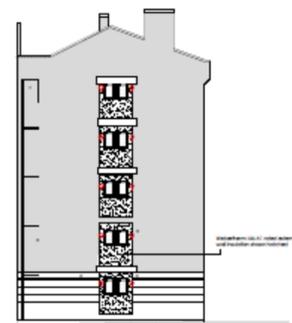


EXISTING NORTH WEST ELEVATION
Scale: 1/32

Beaumont Building Proposed Elevation



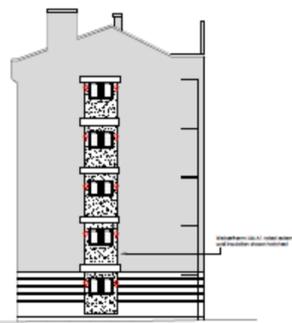
PROPOSED SOUTH WEST ELEVATION
Scale: 1/32



PROPOSED SOUTH EAST ELEVATION
Scale: 1/32



PROPOSED NORTH EAST ELEVATION
Scale: 1/32



PROPOSED NORTH WEST ELEVATION
Scale: 1/32

Fletcher Building Existing Elevation



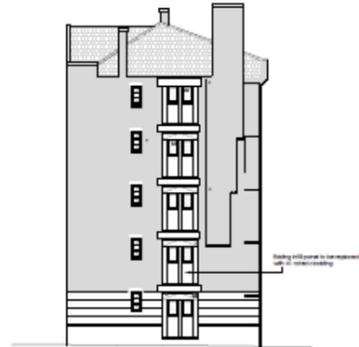
Fletcher Building Proposed Elevation



Sheridan Building Existing Elevation



EXISTING SOUTH WEST ELEVATION
Scale: 1:100



EXISTING SOUTH EAST ELEVATION
Scale: 1:100

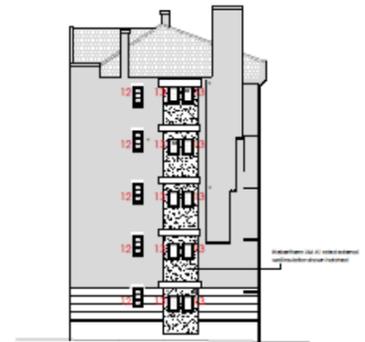


NEIGHBOURING PROPERTY

Sheridan Building Proposed Elevation



PROPOSED SOUTH WEST ELEVATION
Scale: 1:100



PROPOSED SOUTH EAST ELEVATION
Scale: 1:100



PROPOSED NORTH EAST ELEVATION

NEIGHBOURING PROPERTY

DRAFT DECISION LETTER

- Address:** Beaumont Buildings, Martlett Court, London, WC2B 5SF
- Proposal:** Replacement of external windows and doors to flats; all of the existing glazed windows of the flats, the existing doors, including all service intake cupboard doors, service riser doors and cross corridor doors and infill panels to the side elevations of Fletcher, Beaumont and Sheridan Buildings.
- Reference:** 23/08154/COFUL
- Plan Nos:** Location & Site Plan 20217-UL-MAR-SPP-DWG-A-400 PL1, Beaumont Buildings Existing Elevations 20217-UL-BEA-SPP-DWG-A-200 P1; Fletcher Buildings Existing Elevations 20217-UL-FLE-SPP-DWG-A-100 PL1; Sheridan Buildings Existing Elevations 20217-UL-SHE-SPP-DWG-A-300 PL1; Beaumont Buildings Proposed Elevations 20217-UL-BEA-SPP-DWG-A-201 P1; Fletcher Buildings Proposed Elevations 20217-UL-FLE-SPP-DWG-A-110 PL1; Sheridan Buildings Proposed Elevations 20217-UL-SHE-SPP-DWG-A-301 PL1; HFO Flush FED & Coupled Glazed Fanlight HFO-UL-FD30PAS24-FLUSH-001 (Door Details); Fletcher Buildings Proposed Window Elevations 20217-UL-FLE-SPP-DWG-A-102 PL1; Sheridan Buildings Proposed Window Elevations 20217-UL-SHE-SPP-DWG-A-302 PL1; Beaumont Buildings Proposed Window Elevations 20217-UL-BEA-SPP-DWG-A-202 P1; Typical Existing Window Elevations & Sections 20217-UL-FLE-SPP-DWG-A-103 PL1; Typical Proposed uPVC Window Elevations & Sections 20217-UL-FLE-SPP-DWG-A-104 PL1

For Further Information:

PVC-U WINDOW AND DOORS SYSTEMS REHAU (Casement Window Brochure); Rose Collection Conservation Brochure (Sash Window Brochure); Design & Access Statement; Cladding Estimate Saint-Gobain Weber ref. 7026 dated 25th August 2022; Martlett Ct, uPVC Window Replacement Sustainability Addendum; Sustainable Design Statement (Rev. B); Heritage Statement; Webertherm XM External Wall Insulation Project Information Pack.

Case Officer: Jonathon Metcalfe

Direct Tel. No. 07866038118

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

Because of their materiality and detailed design, the proposed replacement windows would harm the appearance of these buildings and this part of the City, would fail to maintain or improve (preserve or enhance) the setting of the adjacent Covent Garden Conservation Area and grade II listed Bow Street Magistrates Court and would fail to appropriately follow principles of sustainable design. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), 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.

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.