

Appeal Decision

Site visit made on 27 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/G5180/W/16/3153666

Chestnuts Royal, St Pauls Cray Road, Chislehurst, London BR7 6QB

- 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 Mr Brian McKeever against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05552/FULL1, dated 14 December 2015, was refused by notice dated 18 March 2016.
 - The development proposed is change of Critall windows in the front of the property to double glazing making the windows to look alike with no design change.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have set out the address of the appeal site as it is written on the application form. However for clarification the proposal relates to flat numbers 2, 3 and 5, which are three of the four upper floor flats facing St Pauls Cray Road.

Application for costs

3. An application for costs was made by the Council of the London Borough of Bromley against Mr Brian McKeever. This application is the subject of a separate Decision.

Main Issues

4. The main issue is the effect of the development on the character and appearance of the Chislehurst Conservation Area (CA).

Reasons

5. The part of the CA in which the appeal site is located is characterised by buildings of various ages and design set back from the highway in spacious grounds. Mature street trees give the area an attractive and verdant appearance.
 6. Accordingly the Chestnuts Royal building, within which the three flats subject to this appeal are located, is also set back from the highway and is obscured to a degree by the mature trees on the grass verge to the front. Notwithstanding this, the position, proportions and design of its front elevation windows and
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centralised entrance door and chimney combine to give the building a broad sense of symmetry.

7. Of key relevance to this appeal, the symmetry particularly in respect of the upper floor flats is further enhanced by the slender 'Crittall' style steel frames of the original fenestration. Whilst the building could not be described as a prominent focal point in the street scene, I concur with the Inspector in relation to appeal Ref APP/G5180/A/10/2123114 who in his decision referred to the broad symmetry and largely original appearance of the front elevation and its contribution to the character of the area by virtue of its quiet modesty.
8. From the proposed drawing and technical information submitted in support of the application the UPVC frames would appear thicker and heavier than the present steel frames. Notwithstanding the apparent variation in materials used in the ground floor flat windows, the installation of UPVC frames would appear at odds with the narrow, more elegant proportions associated with the original framed windows. It would also result in harm to the symmetry of the building. Whilst the frames associated with the secondary glazing in relation to Flat No 5 are visible to a degree I concur with the previous Inspector that such glazing is unobtrusive.
9. The appellant has drawn my attention to various examples of buildings in the wider CA where UPVC window frames have been installed. Whilst this is not disputed by the Council, I have little or no information regarding the relevant circumstances in those cases. However, notwithstanding this, the use of UPVC elsewhere does not justify the harm that would result from the proposed development. In any event I must consider this appeal on its own merits.
10. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, I conclude that the development would cause less than substantial harm to the character and appearance of the CA and I must give this significant weight in my decision.
11. In such circumstances, where harm is identified to the significance of a designated heritage asset, the National Planning Policy Framework requires that this harm is weighed against the public benefits of the proposal.
12. It is likely that the replacement windows would bring benefits in terms of thermal efficiency to the flats. However I have not been provided with a compelling argument that there are no other solutions available to improve insulation. I acknowledge and have some sympathy with the views expressed by third parties about the attraction of the proposal in terms of relative financial cost. However a convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm I have identified.
13. For the aforementioned reasons the proposal would conflict with Policies BE1 and BE11 of the London Borough of Bromley Unitary Development Plan 2006 and with the advice in the Supplementary Planning Guidance for the CA which seek to secure a high standard of design and the retention of original window and door proportions, materials and detailing.

Conclusion

14. For the above reasons, and having considered all other matters raised including that there have been letters received in support of the proposal, the appeal should be dismissed.

Roy Merrett

INSPECTOR