The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2016

by Graeme Robbie BA(Hons) BPl MRTPI

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

Decision date: 1 November 2016

Appeal Ref: APP/V5570/W/16/3154509
Flat C, 14 John Spencer Square, Islington, London N1 2LZ

- 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 Mrs Fiona Godwille against the decision of the Council of the London Borough of Islington.
- The application Ref P2016/1837/FUL, dated 6 May 2016, was refused by notice dated 5 July 2016.
- The development proposed is the replacement and upgrading of existing timber windows.

Decision

1. The appeal is allowed and planning permission is granted for the replacement and upgrading of existing timber windows at Flat C, 14 John Spencer Square, Islington, London N1 2LZ in accordance with the terms of the application, Ref P2016/1837/FUL, dated 6 May 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 667-S2; 667-12; 630-S2; 667-w1.02 existing; 667-w1.02 proposed; 667-w1.03 existing; 667-w1.03 proposed; 667-w1.04 existing; 667-w1.04 proposed; 667-w1.05 existing; 667-w1.05 proposed; 667-w1.06, w1.07 existing; and 667-w1.06, w1.07 proposed.

Procedural Matters

2. The appeal form states that an application for an award of costs had been submitted with the appeal. However, the appellant has subsequently confirmed that no such application was made. I shall therefore proceed to determine the appeal accordingly.

3. The Council have confirmed that the reference to a Unilateral Undertaking in their Statement of Case (paragraph 7.1) was made in error, and that there is no requirement for the appellant to enter into such an undertaking. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Canonbury Conservation Area.

Reasons

5. The appeal property is an upper floor flat in an unlisted four storey apartment block within the Canonbury Conservation Area. The proposal seeks permission to replace a total of six existing, single glazed, timber framed, sliding sash windows; three each on the east and west facing elevations of the building. It is proposed that the replacement windows would also be timber framed, sliding sash windows, but that they would be fitted with double glazed window units with applied glazing bars and internal spacers.

6. The apartment block within which the appeal property lies is a four storey, U-shaped block set around a grassed and pleasantly landscaped communal garden. The Council consider that, whilst not of great age, the building nonetheless makes a positive contribution to the conservation area by virtue of its materials, form and design. I agree, and I find that the clean lines and the uniformity and repetition of the fenestration across all of the building's elevations are key factors in this.

7. The Council's Conservation Area Design Guidelines (January 2002, the CADG) for the Canonbury Conservation Area state that in considering applications for extensions and refurbishment[1], the use of traditional materials will normally be required. Paragraph 2.3.1 of the Council's Urban Design Guidelines (the CUDG) recognises that windows are a key component of the façade that help define a building's character. It goes on to state that where window replacement is sought, it should usually be done in the original style and materials.

8. In their Statement of Case, the Council state that replacement windows should accurately replicate the traditional windows that are to be replaced in terms of material, profile and detailing. It is further stated that they should be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). However, neither the CADG nor the CUDG set out such a prescriptive approach, nor have I been directed towards any other documents that do so.

9. The proposed replacement windows would be painted timber, sliding sash units. Crucially however, they would incorporate applied glazing bars with spacers rather than integral glazing bars. The front elevation of the building is publically visible due to the proximity to the pavement and road to the east of the building; the rear only slightly less so from within the landscaped grounds to the west. Whilst that may be so, in my judgement, the fact that the glazing bars would be applied, and not integral, would be indistinguishable to passing pedestrians looking up towards these upper floor windows from the pavement. The marginally increased width of the glazing bar and the slightly deeper meeting rail would also be equally imperceptible from these viewpoints. The proposed windows would offer a more energy efficient solution to this property in an appropriate style and traditional materials, and in a manner that would retain the clean uniformity of line evident across John Spencer Square, and on properties surrounding this residential block.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to pay special attention to the desirability of

[1] Paragraph 8.11 – 8.12, CA Eight Canonbury - Islington's Conservation Area Design Guidelines : A Supplement to the UDP, Revised Edition, January 2002

preserving or enhancing the character or appearance of the conservation area. For the reasons set out above, I conclude that the proposed replacement windows would preserve the character and appearance of the Canonbury Conservation Area. There would, therefore, be no conflict with policies DM2.1 or DM2.3 of Islington's Local Plan: Development Management Policies (the DMP), policy CS9 of Islington's Core Strategy or London Plan policy 7.8.

Conditions

11. I have considered the suggested conditions in the light of the Framework and Planning Practice Guidance. In addition to a time limit condition, I agree that a condition specifying the approved plans is necessary in order to provide certainty.

Conclusion

12. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR