

Appeal Decision

Site visit made on 1 November 2016

by David Walker MA MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/E5900/W/16/3154988

**2a, 2b, 4, 6a, 6b, 8a, 8b, 10a, 10b, 12a, 12b, 14, 16a, 18a and 20a
Spelman Street, London E1 5LQ**

- 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 Ahsanul Haque of Spitalfields Housing Association against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00981, dated 1 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is replacement window programme from timber sash to uPVC sash heritage design.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address provided within the application form does not fully identify the various properties to which the proposed works relate. Accordingly, I have amended the address to reflect that provided within the appeal form and the Council's decision notice in the interests of accuracy and completeness.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The replacement windows would be installed in a Victorian mansion block in two buildings spanning the whole of the frontage of this part of Spelman Street. With two prominent corners the appeal buildings are widely seen in the available streetscene views of the area. They are highly distinctive buildings of the period in the context of the adjacent twentieth century apartment blocks, with characterful brick detailing.
 5. In these circumstances the Council and interested parties, including the Victorian Society, consider the value of the buildings to amount to being non-designated heritage assets. It is an assessment with which I agree and under paragraph 135 of the National Planning Policy Framework (the Framework) their significance is to be taken into account in my determination.
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6. The original windows are a prominent component of the facades and feature abundantly on the four storey buildings with the white painted frames contrasting against the red of the brick. With a level of detail commensurate with that of the ornate brickwork, particularly the proportion of the glazing bars, the provision of window horns, and the distinctive imperfections and reflections of the handmade glass, I do not doubt that these are part of the architect's original design as stated by the Victorian Society.
7. From the limited information provided in the submitted plans I cannot be sure that the proposed replacement windows would achieve a similar effect. No information is provided over the details of joints and whether there would be a need for modern features such as trickle vents that would be uncharacteristic. On this basis I am not satisfied that the significant qualities of the original windows I have identified would be replaced.
8. I acknowledge that there are considerable costs involved in the cyclical repair and maintenance of the many windows of the appeal buildings, and that this could potentially divert investment away from other homes. However, I have no evidence before me that repair and improvements to thermal and acoustic insulation would not be a practical or economic option. Given the significance of the original windows it has not therefore been demonstrated that their loss and resulting harm to the non-designated heritage assets is justified.
9. For these reasons I find the proposal would have a harmful effect on the character and appearance of the area. Accordingly, it would conflict with the requirements of Policy SP10 of the Tower Hamlets Core Strategy 2010 to preserve or enhance the wider built heritage and historic environment of the borough to enable the creation of locally distinctive neighbourhoods.
10. It would also fail to accord with the associated requirements to ensure design is sensitive to and enhances local character and setting of the development; and to protect and enhance heritage assets, their significance and setting; amongst other things, of Policies DM24 and DM27 of the Tower Hamlets Local Plan: Managing Development Document 2013; and paragraph 135 of the Framework.

Conclusion

11. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR