

# Appeal Decision

Site visit made on 12 September 2016

**by Philip Willmer BSc Dip Arch RIBA**

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

**Decision date: 19 December 2016**

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**Appeal Ref: APP/X5210/Y/16/3149340**  
**53 Shelton Street, London, WC2H 9JU.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Adam Boulton against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/3713/L, dated 19 June 2015, was refused by notice dated 19 October 2015.
  - The works proposed are described as replace all existing sashes with timber sections to match existing with slimlite glazing.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal site is located in the Seven Dials Conservation Area. I am therefore required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, although not a reason for refusal, I shall nevertheless, as I am required to do, consider this as one of the main issues in this appeal.

## Main Issues

3. I consider the main issues to be the effect of the proposal on the special architectural and historic interest of 53 Shelton Street, listed grade II, the setting of the adjacent grade II listed building and terrace, and whether the works would serve to preserve or enhance the character or appearance of the Seven Dials Conservation Area.

## Reasons

3. The property the subject of this appeal, 53 Shelton Street, is a four-storey terrace property over basement level that, together with number 51, is listed grade II and located in the Seven Dials Conservation Area. This appeal relates to Flat 2 that is a maisonette ranging over the two upper floors.
  4. The list description describes 51 and 53 Shelton Street as two terraced houses with later shops. Although the list description gives no clear indication of the date of their construction, I understand from the appellant's evidence that they
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were probably built between 1843 and 1846. I further understand from the evidence before me that the two properties suffered serious bomb-damage during the Second World War (WWII). In my view, their special architectural and historic interest therefore relates to the history of their development, their design and detailing, the necessary repairs and refurbishment as a result of bomb-damage during WWII as well as the continuing change in the history of their use.

5. The appellant proposes the replacement of the existing vertical sliding sashes to both the windows of the street and rear elevations at second and third floor levels with new timber sashes that would be double-glazed with 'slimline' glazing. There is no proposal to replace the sashes to the windows on the lower floors.
6. As identified by the appellant, due to the pattern of the glazing of the sashes and the detail and the sharpness of the profile of the joinery, I would agree that in all likelihood the sashes are not original. Nevertheless, if they were installed as part of the repair of the building following bomb-damage during WWII or even as part of the more recent conversion of the two properties into flats in 1989, now some 27 years ago, I still consider them to be of special architectural and historic interest as they relate to either a significant historic event or a change in the use and occupation of the building to reflect the changing needs of society.
7. As I saw the windows are generally in good order and well decorated. In addition, there is no suggestion that the existing windows have failed and need to be replaced. Rather the appellant wishes to replace them to help make the flat more energy efficient. Further, following the grant of planning permission in December 2015 for the redevelopment of the block immediately to the south east of Shelton Street, identified as First Chicago House at 90 Long Acre, the appellant is seeking to reduce the potential impact of noise from deliveries to that site, that I understand are to be by way of Shelton Street. It is anticipated that the building works will take some four years to complete.
8. The double-glazing units would be just 10 millimetres thick and it would appear from the drawings are to be retained externally by putty and, although not shown, I assume traditional sprigs, thus maintaining a traditional putty line. This is not common with double-glazing that generally requires timber beading to conceal the seal to the edge of the glazing units. Nevertheless, the installation of double-glazing would result in the rebate in the framing members of the sashes and the glazing bars to house the glazing being some 6mm deeper than the existing rebates and therefore more substantial than would traditionally have been the case were the windows to be single glazed. The increased depth of the rebate would, as illustrated on the detail drawings provided, also impact on the internal profile of the main sash members and glazing bars.
9. In my judgement double-glazing, even slimline glazing as proposed here, would appear visually very different to a single pane of glass. This is due to the introduction of a perimeter seal between the edges of the two panes of glass and the required detail changes to the framing members of the sashes and glazing bars to receive the thicker glazing units. Further, although I have seen less so in the case of slimline units, double-glazing also tends to reflect light

differently which in turn draws the eye to it. Accordingly, although the proposed design of the replacement windows may reflect a traditionally designed sash window, these features, while seemingly slight, would nevertheless make the modern construction of the windows clearly obvious to all but the most casual of observers.

10. One of the core planning principles of the National Planning Policy Framework (the Framework) is that heritage assets, such as listed buildings and conservation areas, should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. I have found the existing windows to be of some significance. However, if it were to be assumed, as suggested by the appellant, that the windows were of no special architectural or historic interest, the fact that double glazed units, which are inherently modern in concept and give a different appearance to single glazing, are proposed in windows designed to replicate a vernacular window does not, to my mind, achieve the objective of restoration. It would simply be a replacement of one inappropriate feature with another. This would fail to better reveal the significance of the asset.
11. These concerns are heightened due to the fact that only the windows at second and third floor levels are to be replaced as, I believe, they would appear very different to the existing windows retained on the first floor. Accordingly, I consider that the replacement of the windows would cause significant harm to the special architectural and historic interest of the building, the neighbouring listed building, their setting, the terrace and the conservation area.
12. The Framework requires great weight to be given to the conservation of designated heritage assets, which include listed buildings and conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
13. The replacement of the windows would provide some limited economic benefit, in terms of the work itself. I appreciate that double glazed windows may well over time contribute to the conservation of energy. However, their impact in this regard here would in any case be limited. This is due to the energy required to make and replace existing serviceable windows and the limited surface area of the windows as a percentage of the overall area of the building envelope. Further, secondary glazing and thermally efficient curtains could, alternatively, be fitted, which would, in my judgement, in any case have the potential to provide an enhanced level of sound insulation in comparison to the slimline glazing units proposed without harm.
14. Accordingly, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that the works would have with the objectives of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, Policy CS14 of the London Borough of Camden Local Development Framework – *Camden Core Strategy 2010 -2025* (Adopted November 2010), and Policies DP24 and DP25 of the London Borough of Camden Local Development Framework – *Camden Development Policies 2010-2025* (Adopted November 2010) as they relate to the preservation of the fabric and setting of listed buildings as well as the

desirability of preserving or enhancing the character or appearance of conservation areas.

### **Other matters**

15. I note from the appellant's evidence that the installation of double glazed units similar to those proposed here was permitted on appeal, Ref: APP/L5810/Y/15/3004311. The new windows in that instance have now been installed and the appellant has provided photographs of the completed works. However, it is clear from the appeal decision that the circumstances surrounding that case were very different to that here. Firstly, as identified by the Inspector, the existing windows in that case, unlike here, while providing some contribution to the quality and architectural detailing of the elevations did little to define the historical value of the heritage asset. Further, it would appear that the replacement windows there had been designed to reflect the pattern and appearance of existing earlier windows in the property and not, as here, simply a replacement of later window designs, thereby better revealing the significance of the asset. Nevertheless, whatever the circumstances surrounding that appeal I do not consider it sufficient to justify the installation of double-glazing here, where I have considered the proposal on its individual merits.
16. I agree with the appellant that secondary double-glazing can in itself be visually intrusive. However, due to this it is clear to all that it is a modern intervention and therefore in this respect does not mislead anyone that it is an original feature. Furthermore, it is easily removable.
17. The appellant has suggested, in answer to the Council's concern that the glass in the sample provided was of a flat character, that the windows could be glazed drawn-sheet (or Crown or cylinder glass) rather than float glass. Given that the existing windows are not original and if replaced would be contemporary, I consider that it would be wholly inappropriate and indeed harmful to the listed building, in this case, to try and replicate historic glass.

### **Conclusions**

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Philip Willmer*

INSPECTOR