
Appeal Decision

Site visit made on 10 April 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/A5270/D/17/3170398

1 Ludlow Road, Ealing, London, W5 1NX

- 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 Ms Gabrielle Morris against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2015/5052, dated 14 September 2015, was refused by notice dated 7 December 2016.
 - The development proposed is installation of 12 (No.) timber windows.
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Decision

1. The appeal is allowed and planning permission is granted for installation of 12 (No.) timber windows at 1 Ludlow Road, Ealing, London, W5 1NX, in accordance with the terms of application Ref PP/2015/5052, dated 14 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1, Drawing No. 3, Drawing No. 4 and Drawing No. 5.

Main Issue

2. The main issue of the appeal is whether the proposal would preserve or enhance the character or appearance of the Brentham Garden Estate Conservation Area.

Reasons

3. The appeal site is located on Ludlow Road and accommodates a two-storey mid terrace property. The terrace accommodates 4 dwellings and No 1 Ludlow Road, the subject of this appeal, shares a large front gable with No 206 Pitshanger Lane. I observed that the appeal site is located in a corner position within the street scene. The wider area is largely residential and the Brentham Garden Estate contains mainly arts and crafts inspired houses, many of which are terraces or semi-detached properties. The appeal site falls within the Brentham Garden Estate Conservation Area, a heritage asset and I observed that it is a very attractive area.
 4. Whilst there is some variation in terms of design in the Conservation Area, there are nonetheless common elements, which I consider gives the area a
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fairly cohesive design. One of these aspects is the windows, with most houses accommodating a larger number of smaller openings than would be typical for most dwellings, which is relatively typical of the arts and crafts style. The windows are divided into smaller uniform panes by glazing bars. This uniformity within the Brentham Estate is very noticeable and in my view contributes markedly to the significance of the heritage asset.

5. The scheme seeks to replace the existing single glazed wooden windows of the appeal property with double glazed replicas. With the exception of the depth of the glazing bars and the rails, all other components would match the existing windows, including the opening arrangement. In order to accommodate the double glazing it is necessary to increase the depth of the glazing bars and the rails. However, this would only be between 5 mm and 7 mm depending on which slimline double glazing units are fitted.
6. The Council, the Brentham Garden Estate Conservation Area Panel and the Brentham Society have all raised concerns with regard to the effect the proposed double glazed wooden replicas would have on the character and appearance of the terrace in which the appeal site falls and the Conservation Area. There is no question that the uniformity of the appearance of the windows is an essential component of the character and appearance of the area, which has also been recognised in the other appeal decisions that have been put before me¹. I spent a considerable amount of time walking the area around the appeal site. It was very noticeable that many of the original windows of properties in the area have been repainted numerous times and have assumingly been repaired. This has created a far less striking appearance than would have been the case when they would have been first fitted, when they would have had fresh clean lines.
7. In some cases, the existing windows in the area have a somewhat worn appearance, which I consider detracts from the character and appearance of the Conservation Area. It could be argued that this is the case at the appeal property and when observed up close, both internally and externally, the windows, in my view, are not in good condition. I observed that there are clearly issues with internal condensation and many of the front windows were evidently unable to provide any meaningful seal, leading to significant drafts. The appellant has set out that a company was contacted about refurbishing the existing windows, who advised that this would not be possible due to their condition. Having viewed the windows closely and despite the views of the Council, I see no reason to disagree with this view.
8. I have been made aware of several other examples where double glazed replica windows have been permitted at appeal within the Conservation Area. These relate to the properties at No 31 Ludlow Road and No 4 Denison Road. In both cases, the double glazed windows that have been fitted to the properties are very similar if not identical to the ones proposed in this case. I was also able to view both properties on my site visit and observe first hand how their appearance differed from the original windows in the area. It would be fair to say that they are distinguishable. However, in my view, this is predominantly down to their clean appearance with fresh lines, which contrasts with the older less defined repainted and repaired original windows in the area and not because of the slightly deeper glazing bars or double glazed units.

¹ APP/A5270/D/14/2218343, dated June 2014, APP/A5270/D/14/2220685, dated March 2015 and APP/A5270/D/16/3145137, dated May 2016.

9. When observing No 4 Denison Road and other new single glazed direct replicas fitted in the area, the Inspector of the appeal at No 31² stated at Paragraph 6 of his decision that: *'On close inspection the new windows, whether single or double glazed, could be differentiated from the old because they presented clean, crisp lines. Most of the existing windows around the estate have been repainted and repaired many times over the years and have taken on a more undefined, smudged appearance. The new windows look, I am sure, more like the original windows would have done when the estate was first built. The double glazed units differed from the other new windows only on very close inspection indeed'*.
10. Further to the above, the Inspector for the appeal at No 4 Denison Road³ at Paragraph 7 of his decision found that *'...While the new frames would therefore each have a slightly less slender profile than their existing counterparts, and include glass that would reflect light differently, resulting in a marginally heavier appearance, I consider that the difference would not be discernible even when seen at an oblique angle from the road'*. Despite the appeal property in that case having some non-Brentham design windows fitted, I consider that this finding is still relevant to this appeal. I consider that the views of these Inspectors largely mirror my own findings and add weight to them.
11. The proposed windows would be seen directly against the original style windows of the adjoining property at No 206 Pitshanger Lane and the other properties in the terrace and I accept that there would be some degree of noticeable difference. However, for the reasons set out above, I consider that this would not be because of the slightly deeper glazing bars and rails, which would only be noticeable on very detailed inspection. I consider that this difference in appearance would result from both single glazed direct replicas and double glazed replicas, due to the new and fresh clean lines that would result. Although, the proposed windows would weather with time and be less noticeable in this regard. I accept that the appeal site is located in a prominent corner position. Notwithstanding this, the appeal site does have a reasonably sized front garden, which restricts any close up views of the windows being gained.
12. I consider that the proposed windows are in keeping with the general design of the original windows in the area and the difference in appearance between the proposed double glazed replicas and the original windows would be very small and barely discernible when viewed from the road outside of the appeal site, even at an angle. The Inspector of the appeal at No 31 concluded that *'As long as the overall design is faithful to that of the estate the differences between the proposed double glazed units and the original windows are so marginal as to have no effect at all on the character or appearance of the Conservation Area'* (Paragraph 6). I agree with this view and consider that this is equally applicable in this case.
13. In conclusion, for all of the above reasons, I consider that the proposal would not result in any harm to the character and appearance of the terrace and would preserve the character and appearance of the Brentham Garden Estate Conservation Area⁴. Consequently, the proposal complies with Policies 7.4, 7B

² APP/A5270/D/16/3145137, dated May 2016.

³ APP/A5270/D/14/2220685, dated March 2015.

⁴ Section 72 (1) of the Planning (Listed Building and Conservations Areas) Act 1990.

and 7C of the Ealing Development Management Plan (2013) and Policy 1.1 (h) and 1.2 (g) of the Ealing Local Development Framework Core Strategy (2012). I also consider that the scheme accords with Policies 7.4, 7.6 and 7.8 of the London Plan (2015), the overall principles of the Brentham Garden Estate Conservation Area Management Plan and the National Planning Policy Framework (the Framework).

14. The Council has referred to an appeal decision at No 21 Denison Road, where the appeal was dismissed for wooden replica double glazed windows at the front of that appeal property, although the ones to the rear were allowed. However, in that case, the proposed double glazing units would have had black spacing bars, which the Inspector found would have stood out and attracted attention to the proposed windows. This is not applicable in this case and therefore, I consider the appeal decision at No 21 is not directly comparable to this scheme.
15. The Brentham Garden Estate Conservation Area Panel has suggested that should double glazed units be considered, the best practical conservation quality D.G. is the "SLIMLITE" type with a 4:4:4 depth of glazing. Further, it is suggested that energy efficiency could be secured by secondary-glazing. Whilst I acknowledge such views, I am nonetheless satisfied that the windows proposed in this case are acceptable in their own right.

Planning Conditions

16. The standard time limit condition is imposed, as well as a condition to ensure that the development is carried out in accordance with the approved plans, to ensure certainty.
17. The Council has suggested that conditions be imposed that require the construction of the external surfaces of the development to match those used in the existing building and that a sample window is provided. However, I consider that the drawings submitted provide a comprehensive level of detail on the proposed window's design, which includes detail cross sections and their external finish. The drawings state the external finish of the windows will match the existing dwelling. This can be suitably secured by the imposed condition requiring the development to be undertaken in accordance with the approved plans. Consequently, I am not satisfied that these suggested conditions are necessary to make the development acceptable in planning terms and I have therefore not imposed them, as they do not meet the tests set out within Paragraph 206 of the Framework.

Conclusion

18. For the reasons set out above and having regard to all other matters raised, including the evident concerns of the Brentham Garden Estate Conservation Area Panel and the Brentham Society, the appeal is allowed.

Jonathan Manning

INSPECTOR