
Appeal Decision

Site visit made on 3 May 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 8th June 2017

Appeal Ref: APP/H5960/W/17/3167209

35 Hawkesbury Road, London SW15 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Caroline Smith against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/6175, dated 21 October 2016, was approved on 19 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is replacement windows on front elevation (Article 4 direction).
 - The condition in dispute is No 3 which states that: 'Notwithstanding the information submitted, the proposed Georgian glazing bars must be externally mounted instead of inserted between the panes'.
 - The reason given for the condition is: 'To replicate the original appearance of glazing bars on windows on the Dover House Estate'.
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Decision

1. The appeal is allowed and the planning permission Ref 2016/6175 for replacement windows on front elevation (Article 4 direction) at 35 Hawkesbury Road, London SW15 5HL granted on 19 December 2016 by the Council of the London Borough of Wandsworth, is varied by deleting condition No 3.

Background and Main Issue

2. The condition in dispute relates to the planning permission for the replacement of windows on the front elevation of 35 Hawkesbury Road London, which lies within the Dover House Conservation Area. The condition requires the glazing bars of the replacement windows to be external rather than positioned between panes of glass. The appellant seeks the removal of that condition so that the glazing bars could be internal as originally proposed.
3. The main issue is whether the condition is reasonable or necessary having regard to the character and appearance of the Dover House Conservation Area.

Reasons

4. The Dover House Conservation Area is a planned estate consisting of picturesque cottage-style houses laid out in regular patterns, in terraces or pairs some of them around areas of open green space. The rhythm and regularity of the buildings are a defining and significant characteristic of the Conservation Area. Detailed elements of design, including window details, make a significant contribution to that character. Originally windows would

have been metal and would have had glazing bars dividing the glass area into small panes.

5. No 35 Hawkesbury Road is a mid-terraced house in a row of six properties originally designed to appear as one building. The terrace is set back from the highway behind an area of open space and is accessed at the front by footpaths only. There is a mix of windows in the terrace at present, mainly with small panes, some of which have external glazing bars others internal. In contrast the existing windows at No 35 have no glazing bars. Consequently the proportions of the windows appear different to others in the terrace and as such they are a discordant and harmful feature in the terrace in close range views and when viewed from the public highway. For that reason they contribute negatively to the character and appearance of the conservation area.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings within a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. That statutory requirement is reflected in Policy DMS2 of the Wandsworth Local Plan Development Management Policies Document adopted in 2016 which states that planning applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets.
7. The proposed replacement windows would have a metal frame and the glazing visually divided into smaller panes by internally positioned bars. Whilst not an exact replica of the original windows, they would reflect their pattern and proportions. I accept the Council's concerns that the windows, without an external glazing bar, would not be authentic. I also agree that from close range the difference between the two styles of window is apparent. However, in this case there are similar windows with internal glazing bars elsewhere in the terrace. Moreover, the proposal would be an improvement over the existing windows, even with the internal glazing bar, in terms of their visual impact on the character and appearance of the terrace as a whole.
8. I accept that the Council is seeking to apply a consistent approach to development in the area both to enhance the area's character and in the interests of fairness. However, in this case, the planning history and status of the existing windows is unclear. Whilst I note that the Council carries out regular enforcement investigations in the area, there is nothing before me to suggest that there is any intent or means to secure the removal of the existing windows. The proposal would remove what in effect constitutes a harmful modification to the building and would replace it with a window of a style more consistent with others in the terrace.
9. As such the proposal would meet the statutory requirements of the Act in that it would preserve the character and appearance of the conservation area. Furthermore it would meet the requirements of Policy DMS2 to sustain and conserve heritage assets.
10. Accordingly I conclude that condition 3 of the permission which requires the use of external glazing bars is unnecessary in the interests of preserving the

character and appearance of the conservation area and is therefore unreasonable.

11. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

S Ashworth

INSPECTOR