The Planning Inspectorate

# 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: 30th June 2017**

**Appeal Ref: APP/H5960/Y/17/3169206**
**100 Tooting Bec Road, London SW17 8BG**

- 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 Edward Checkley against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2016/3174, dated 29 May 2016, was refused by notice dated 12 August 2016.
- The works proposed are replacement of a number of sash and casement windows.

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Edward Checkley against the Council of the London Borough of Wandsworth. This application is the subject of a separate decision.

## Preliminary Matters

3. There is a discrepancy between the description of development set out in the application form, and repeated in the banner heading above, and the appeal form and Council's Decision Notice which refer to the 'Installation of Replacement Windows'. It is clear from the appeal documents that the Council considered that the application was for the replacement of all the windows in the property. This has not been challenged by the appellant. Given that consent has already been granted for the replacement of some windows, I have dealt with the appeal on the basis that it is indeed for the replacement of all the windows.

4. The appellant has also submitted an appeal against conditions on listed building consent 2016/2934. This is being dealt with under a separate appeal decision.

## Main Issue

5. The main issue in this case is the effect of the proposal on the special architectural and historic interest of the building.

## Reasons

6. The appeal relates to an early 19th century stucco lodge, which is a Grade II listed building. The building, which is currently vacant, was last used as a

garden centre. Consent was granted on 12 August 2016[1] for alterations to the building including the refurbishment/replacement of the windows.

7. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The National Planning Policy Framework also requires that 'when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation'.

8. The building's special interest lies in its age and architectural form and detailing. The list description notes that the street elevation is a 'modified triumphal arch composition in 3-bays' with a two storey central section flanked by single storey wings. In the centre the windows are set in a 2-storey round arched recess with a key block. Those at the sides are also round headed whilst to the sides and rear windows are flat-headed.

9. Evidence, including the appellant's schedule of windows and doors, indicates that many of the windows are historic and possibly original. From all I have seen and read, the original windows make a positive contribution to the special interest of the building. A survey carried out by the Council[2] indicates that the windows are capable of repair. The schedule of windows also indicates that many windows are repairable, given that any rot and damage is localised and indeed the concurrent application for listed building consent proposed the restoration of the original windows. Moreover, there is no justification for the removal of all the windows before me.

10. I am aware that replacement windows have already been manufactured. However, it seems to me that without the necessary consent in place, this was undertaken at the appellant's own risk. Moreover, in itself this does not justify the removal of all the windows. Consequently, on the basis of the evidence before me, I conclude that the proposal would result in the unwarranted loss of historic fabric, and as such the proposal would not preserve the special interest of the listed building.

11. The approach in the National Planning Policy Framework is that where a proposal would result in less than substantial harm to the significance of a heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The wider proposal to renovate the building and bring it back into use is a public benefit. However, much the same benefit could be secured from a repair to the windows that caused no harm to the special interest, or significance, of the listed building. Therefore, the benefits of the scheme before me are not sufficient to outweigh the harm it would cause; harm that must attract considerable importance and weight on the negative side of the balance.

12. For these reasons, and taking into account all other matters raised, the appeal is therefore dismissed.

*Susan Ashworth*

INSPECTOR

[1] Application Ref: 2016/2934
[2] Report by Brooks Building Consultants April 2016