
Appeal Decision

Site visit made on 5 July 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 21st July 2017

Appeal Ref: APP/Q5300/D/17/3173226
79 Old Park Ridings, London N21 2ER

- 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 M Gavalas against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04888/HOU, dated 21 October 2016, was refused by notice dated 4 January 2017.
 - The development proposed is replacement of windows throughout the property.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of windows in the front elevation. The appeal is allowed insofar as it relates to replacement of windows to the rear, north and south elevations and planning permission is granted for the installation of replacement uPVC windows to rear, north and south elevations at ground and first floor level at 79 Old Park Ridings, London N21 2ER in accordance with the terms of the application, Ref 16/04888/HOU, dated 21 October 2016, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Existing North Elevation, Existing South Elevation, Existing Rear Elevation, Proposed North Elevation, Proposed South Elevation, Proposed Rear Elevation.

Preliminary Matters

2. The appellant has stated that following communication with the Council, they do not believe that the replacement of the side and rear windows requires planning permission. However, this is not for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of the appeal. In this context, I am required to consider the appeal on the basis of the application as it was made to the Council in full.
3. The description in the header above is taken from the original application form. However, for clarity I have used that in the Council's decision notice in my formal decision as this provides a clearer and more precise description.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Grange Park Conservation Area (GPCA).

Reasons

5. The appeal relates to a large detached dwelling within the GPCA. The design of the dwelling broadly reflects one of the broad two types identified within the Grange Park Conservation Area Appraisal (CAA). The dwelling is also identified as a key building with the document. The CAA identifies the significance of the area as being that of a cohesive group of houses and shops that was one of the first high quality planned suburbs in the area. While I noted some variations in the design of dwellings in the vicinity of the appeal site, there was nonetheless a generally harmonious character resulting from the similar scales, plots sizes and layouts along the street. The existing windows are a combination of timber frames with the windows themselves being described as aluminium. The front windows are leaded which complements the character of the dwelling.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is also reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account. The policies referred to in the London Plan (2016), Enfield Core Strategy (CS)(2010) and Enfield Development Management Document (DMD)(2014) are broadly consistent with national policy in this regard.
7. The CAA states that while the replacement of traditional joinery was not a major problem at the time of publication, it was something which needed to be controlled to ensure survival of existing character. It also suggested that restoration should be considered.
8. From the information before me, the replacement windows would appear to utilise the existing openings and follow the general design and nature of the existing units. The Council's detailed concerns relate mainly to the use of non-traditional materials and the loss of more sympathetic timber frames. I saw a number of examples of dwellings with uPVC windows in the vicinity of the site. The Council has indicated that many of these were installed prior to the designation of the area.
9. The majority of those that I saw were not necessarily of the highest quality and had an unsympathetic and discordant relationship with the character of their host dwellings. This is not only in terms of the use of uPVC itself, which often appears shiny and stark in appearance, but also in relation to the thickness of the frames and glazing bars which do not reflect the finer detail of traditional timber painted windows. These already serve to detract from the special character of the street and I am concerned that allowing additional examples on what is a prominent and important building would serve to exacerbate the harm that already exists.

10. There is little information with the application as to the exact specifications of the windows that are proposed for the front elevation. I have no doubt the appellants would wish to install high quality replacements. However, modern window construction can vary to significant degrees and, while the plans identify like-for-like replacements, I cannot be satisfied from the evidence before me that the resulting form of the windows would not have a harmful effect on either the distinctive character of the dwelling itself or the contribution it makes to the quality and significance of the GPCA. The dwelling is prominent in the street scene and it is reasonable to assume that even with the retention of the leaded features, the overtly modern materials and finish used would be incongruous and unsympathetic to the character of the dwelling. This in turn would be harmful to the GPCA.
11. The side and rear windows would be largely screened from publically accessible vantage points. There is also already evidence of the use of uPVC in the patio doors of the property. The effect on the wider area of replacing these windows with uPVC would be somewhat less than those at the front. The appearance of the side and rear elevations are also less important in terms of the character of the wider area. Notwithstanding the appellant's views on whether such replacements are permitted development, I consider that owing to their lack of prominence the replacement of these windows would have only a neutral impact on GPCA and thus would preserve its character and appearance in line with relevant local and national policies. Although the specific details are also limited with regard to these elevations, as the impact would not be as significant I do not have the same concerns as with the front windows.
12. This does not alter my view that the prominent and important front elevation of the dwelling would be harmed by the use of uPVC and that the development would detract from the character and appearance of both the host building and that of the surrounding area. Consequently, this element of the proposal does not preserve or enhance the character and appearance of the GPCA. Accordingly, there is conflict with London Plan Policy 7.8, CP policies CP30 and CP31 and DMD policies DMD6, DMD37 and DMD44 which seek, amongst other things, to protect the heritage assets of Enfield.
13. The harm to the significance of the Conservation Area would be less than substantial. In such circumstances, paragraph 134 of the Framework requires me to weigh the harm identified against the public benefits of the proposal. No specific benefits of using uPVC have been identified by the appellant. However, it would be reasonable to assume that any which exist would be private in nature. While the existing windows may be in a poor state of repair, it has not been demonstrated that alternative and more appropriate options are not available which could achieve the same results. As such, there is nothing to suggest that the benefits would outweigh the harm identified. There would therefore also be conflict with the Framework in this regard.

Conditions

14. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings insofar as they relate to the side and rear elevations as this provides certainty. I have not attached the suggested condition on the use of matching materials as this is unnecessary in this case.

Conclusion

15. The proposal includes distinct elements, some of which I find acceptable and others not. In these circumstances it is open to me to issue a 'split' decision in which parts of the scheme are allowed and parts dismissed. I will exercise that power in this instance. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

S J Lee

INSPECTOR