
Appeal Decision

Site visit made on 4 July 2017

by L J O'Brien BA (Hons) MA

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2017

Appeal Ref: APP/H5390/D/17/3174566
32 Ethelden Road, London, W12 7BG

- 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 Al Marsumi against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2017/00195/FUL, dated 19 January 2017, was refused by notice dated 24 March 2017.
 - The development proposed is described as "replacement of existing timber windows with UPVC windows".
-

Preliminary Matter

1. The proposed development had been implemented at the time of my site visit. I have determined the appeal based on the submitted plans, which appear to accord with the development as constructed, and my observations on site.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area; including whether or not the development would preserve or enhance the character or appearance of the Ingersoll and Arminger Conservation Area.

Reasons

4. The appeal property is a two-storey mid-terraced dwelling situated within the Ingersoll and Arminger Conservation Area (CA). The dwelling occupies a prominent position opposite the junction of Ethelden Road and Ingersoll Road. The surrounding area is typified by uniform terraces of residential properties of a similar age and style.
 5. The CA is a "heritage asset" as defined by the National Planning Policy Framework (NPPF), which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance. Where a development would lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits.
 6. The planning appeal relates to the replacement of the timber sash windows which were previously in situ with UPVC casement windows.
-

7. The fenestration in the CA is characterised by timber framed sash windows with a traditional appearance. The frames of the replacement windows at No. 32 differ from the former windows and other traditional windows in the area in a number of respects.
8. The majority of the other windows are made up of two panes of glass; the replacement windows at No. 32 have three. The proportions of the thicker UPVC frames also appear bulky when compared to the much narrower and less prominent frames of nearby windows. This is exacerbated by the additional UPVC bars associated with the third pane of glass. As such the replacement windows appear incongruous and out of keeping with the character and appearance of the area.
9. Several windows were open at No. 32 at the time of my visit. These windows open outwards and are noticeably different from the sash type openings which still account for the majority of windows in the area. This opening mechanism is further at odds with the character and appearance of the area thus compounding the harm to the Ingersoll and Arminger Conservation Area.
10. I noted a number of other examples, including those cited by the appellant, during my site visit. Whilst other examples of UPVC windows were evident, many of these differed in design from those at the appeal site. The majority of other examples appeared to have two, rather than three, glass panes and some were sash opening. Others only served to highlight the harm I have identified. I do not consider that windows like those at the appeal site can be said to be part of the character and appearance of the area. In any event, each case must be treated on its own merits and the existence of other examples does not justify perpetuating the harm outlined above.
11. The appeal site exhibits a number of characteristics which typify those found throughout the CA and the character and appearance of the former windows made a key contribution to the positive impact of the building on the significance of the heritage asset. For the reasons outlined above, I conclude that the replacement windows are harmful to the character and appearance of the host dwelling and fail to preserve or enhance the character and appearance of the CA.
12. Due to the small scale of the development it causes "less than substantial harm" to the significance of the heritage asset, but that harm is still sufficient to carry considerable weight against the appeal. There are no identified public benefits which would outweigh the harm I have identified.
13. I have therefore found conflict with Policy BE1 of the Hammersmith and Fulham Core Strategy, October 2011 and Policies DM G3, DM G5 and DM G7 of the Hammersmith and Fulham Development Management Local Plan, July 2013. Amongst other things, these policies seek to ensure that alterations achieve a high standard of design and are compatible with the character of the existing development. The policies also aim to protect and enhance the character, appearance and setting of the borough's heritage assets including CAs. Policy DM G5 relates to replacement windows and requires that they respect the architectural character of the building and its surroundings and that the design matches the original windows in terms of material, type, size and method of opening.

14. The development also fails to accord with Design Policy 31 of the Planning Guidance Supplementary Planning Document, July 2013 (SPD). This policy states that alterations should be appropriate to the architectural character of the building and should not have a significant effect on the character of the CA. The development is also at odds with Design Policy 37 of the SPD which specifically advises that original architectural features such as timber sash windows should be maintained and repaired wherever possible.
15. I note the appellant's suggestion that the old windows were rotten and the replacement windows offer improvements and benefits. However, I see no reason why these benefits could not be achieved through a more sympathetic scheme. I also acknowledge the appellant's intentions to reflect other windows in the area when fitting replacements, this does not, however, outweigh the harm I have identified to the character and appearance of the CA.
16. Having regard to my conclusions on the main issue and all other matters raised, I conclude that the appeal should be dismissed.

L J O'Brien

APPOINTED PERSON