



Appeal Decision

Site visit made on 11 July 2017

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/E5900/D/17/3175716 Swan Cottage, 2 Mews Street, London E1W 1UG

- 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 K Temple against the decision of the London Borough of Tower Hamlets Council.
 - The application Ref PA/16/03383, dated 17 November 2016, was refused by notice dated 31 March 2017.
 - The development proposed is removal and replacement of existing single glazed timber windows and doors with double glazed aluminium windows and rear doors.
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Decision

1. The appeal is allowed and planning permission is granted for removal and replacement of existing single glazed timber windows and doors with double glazed aluminium windows and rear doors at Swan Cottage, 2 Mews Street, London E1W 1UG in accordance with the terms of the application, Ref PA/16/03383, dated 17 November 2016, and the plans and documents submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Windows as specified in Affordable Aluminium Systems Ltd Quotes 344 version 1 - White and 343 version 1 - Black
 - 3) The colour treatment of the windows and frames hereby permitted shall match the white or dark grey/black currently used in the existing building and the Mews Street terrace.

Preliminary Matters

2. This appeal is being determined alongside two other appeals for replacement windows and doors in Mews Street refs APP/E5900/D/17/3175712 and APP/E5900/D/17/3173414.

Main Issues

3. The main issue is the effect of the proposed replacement windows on the character and appearance of the host property, the terrace and the Tower Conservation Area.
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Reasons

4. Mews Street where the appeal site is located lies on the south side of St Katherine's Dock in the Tower Conservation Area. This part of the Conservation Area is characterised by the waterfront location and is in mainly residential use although adjoining an area of mixed commercial and residential use.
5. Mews Street on its northern side where it fronts directly onto St Katherine's Dock takes the form of a 2-3 storey terrace in brick, tile and timber built in a style reminiscent of waterfront buildings. Although they are modern buildings their style blends well with older buildings in the dock as well as the modern apartment blocks adjacent.
6. For the most part the window style within the terrace is of a casement opening type although those mainly on the central tile hung gables in the terrace are of a tilting pattern. There is therefore already a variation in the window pattern within the terrace. I acknowledge that the prevailing window material around the dock remains timber but this is not entirely the case and, particularly in respect of the appeal terrace, there is much more of a mix of window materials. No 1 has installed dark grey/black, powder coated aluminium windows and frames to the same specification as that now proposed in No 2 and its neighbours at Nos 3 and 4. Nos 5, 6 and 9 in Mews Street have fitted dark grey/black UPVC windows.
7. It has been put to me that the windows in these properties have been replaced without permission and that therefore the Council consider they are not relevant in this case. However, there is no indication in the evidence before me that the Council intend to take any enforcement action against any of these replacements. More importantly, particularly with regard to the aluminium windows at No 1, which are proposed to be now used in No 2, the profile and appearance of the windows are virtually indistinguishable from timber other than in a close up inspection.
8. I have also been referred to the fact that wholesale replacement of timber frames in the South Quay Estate (adjacent to the appeal terrace) with powder coated aluminium exterior frames has been permitted under application reference PA/16/02881/NC and PA/16/03182/NC although not yet installed. The Council argument that this was allowed because a significant number of properties had installed UPVC replacements I do not find any different to the situation that now applies in the Mews Street terrace where there is already a mix of alternative materials.
9. In the overall context of St Katherine's Dock where there is significant variety in building style, form and height and in window form, size and shape it is these variations that are evident around the dock and 'draw the eye' rather than any variation in material.
10. The appeal proposal would result in a change of window material. However, as explained in my reasoning, I am not persuaded that the proposed replacement of the windows in No 2 with aluminium, to a very similar profile and form and in identical colouring to the existing, would unduly dominate the property and would not be out of keeping with the overall character of the terrace in Mews Street. As such the appeal proposal would not harm the significance of the Conservation Area and while it may not enhance the Conservation Area, it would meet the statutory test of preserving the character of the Tower Conservation Area. The impact would therefore be at worst neutral. Accordingly, the proposal would comply with both the requirements of the *National Planning Policy Framework* (the Framework) at section 12 in respect of the historic environment and also with the *Tower Hamlets Local*

Development Framework (THLDF) Core Strategy policy SP10 and *THLDF Managing Development Document* policy DM27 which seek to protect and enhance the Borough's heritage assets including its Conservation Areas. The proposal would also be compliant with the Framework in section 7 on design and guidance in the *THLDF Managing Development Document* policy DM24 both of which seek a high quality of design in all new development. I am satisfied that, for the reasons above, the alternative window material in this particular case would not conflict with the criteria in these policies.

Other Matters

11. It has been put to me that the replacements are necessary for energy efficiency and noise mitigation purposes. However as the Council has made it clear that it would accept double glazed timber replacement units in the Conservation Area both energy and noise mitigation benefits could equally be achieved with timber replacement windows and therefore these additional benefits do not in themselves add weight in my decision.

Conditions and Conclusions

12. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* (the Guidance) and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary as this provides certainty that the development would be carried out in the form proposed. A condition requiring the window and frames to match the colour treatment used in the rest of the terrace should also be imposed to protect the character and appearance of the dwelling and of the surroundings to the development.
13. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the replacement windows subject to the conditions set out above.

P. D. Biggers

INSPECTOR