
Appeal Decision

Site visit made on 1 August 2017

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/U5360/W/17/3175387
20 Maury Road, London N16 7BP

- 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 Isaac Okanrende against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/4489, dated 1 December 2016, was refused by notice dated 14 March 2017.
 - The development proposed is front window replacement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of Northwold and Cazenove Conservation Area;
 - Whether other considerations, including energy efficiency of the home, outweigh any harm identified to the significance of the Conservation Area.
3. The reason for refusal refers to the Victoria Park Conservation Area Appraisal whereas the relevant document is the Northwold and Cazenove Conservation Area Appraisal 2010. The main parties were given the opportunity to submit representations in relation to the correct appraisal but neither party wished to comment or add to their case.

Reasons

Conservation Area

4. The significance of the Conservation Area is as a residential estate which has an important place in the architectural history of Hackney by reason of the high quality and variety of Victorian homes within it. The architectural style is distinctive and the external decoration and embellishment of the dwellings is a very noticeable and important feature.
5. The appeal property is sited at the end of a terrace of two storey properties, which display consistency in their design. The ground floor bay windows and entrance porches are dominant and there is rhythm in the spacing and

decorative treatment of the upper floor windows. The use of painted brickwork around the windows and porches makes a strong stylistic statement. Sliding sash windows with timber frames are essential features, reinforcing and complimenting the distinctive decorative surrounds. Number 20 retains these characteristic features and the building, although not having a specific designation, makes a positive contribution to the street scene within the Conservation Area.

6. The proposal is to replace the front timber sliding sash windows and a small window at low level below the front bay. The description states that the vertical sliding sash windows are "to match existing/original" and that they would be double glazed sealed units with white uPVC frames. However, the Spectus information supplied fails to demonstrate that the new units would match the existing as regards proportion, size of frame and glazing bars. The typical vertical sliding window would appear to have a wider frame and surrounds, rather than the more slender proportions seen in the timber sliding sash windows. Moreover, the use of uPVC material would not have the same qualities in appearance as the use of traditional timber because the manufactured material generally has a flat, smooth appearance. Modern white uPVC frames would not at all be in keeping with or compliment the decorative surrounds. The new windows would be a disruptive visual element in the appearance of the terrace. The adverse effect on an important building element would harm local character.
7. The appellant has drawn attention to a number of buildings in Maury Road and in nearby streets where uPVC windows have been installed. However, there are many more buildings that have timber sliding sash windows. In the terrace on Maury Road, nearest to the appeal site, most properties have retained the traditional windows. Those that have uPVC windows demonstrate how detrimental they are by reason of the alien material, the variation introduced by modern top hung replica sash windows, the thicker glazing sections and the trickle vents. No evidence has been provided to show that any of these uPVC windows were granted planning permission or the date they were installed. The Conservation Area Appraisal refers to insensitive replacement uPVC windows as a weakness in the Conservation Area and encourages reinstatement of lost features. For these reasons the presence of uPVC windows does not justify their acceptance now.
8. The identified harm is not able to be overcome by the reasonable use of planning conditions.
9. In conclusion, the proposal would not be in accordance with the Council's Supplementary Planning Document (the SPD)¹, which sets out why modern uPVC material is generally unacceptable for traditional building forms. The proposal would not make a positive contribution to the historic environment and is contrary to the Borough's Core Strategy Policy 25. The development would fail to preserve or enhance the character or appearance of the Conservation Area. More particularly the alteration would not preserve a characteristic feature, whilst it would harm the architectural integrity of the building and the unity of the terrace. Hence it is contrary to Policy DM28 of the Borough's Development Management Local Plan (DMLP). High quality design would not be secured leading to a conflict with Policy DM1 of the DMLP. In

¹ Residential Extensions and Alterations Supplementary Planning Document approved April 2009

respect of the National Planning Policy Framework (the Framework), the proposed development would lead to less than substantial harm to the significance of the designated heritage asset, namely the Conservation Area.

Other considerations

10. The appellant has stated that the new windows would assist tenants in making their homes more energy efficient and that the windows would cost less in maintenance. The Framework indicates that energy efficiency improvements to existing buildings should be actively supported.
11. However, the SPD refers to ecological, maintenance and sustainability concerns with uPVC windows not only in their manufacture and disposal but also their ability to be repaired and the potential release of toxins in case of fire.
12. The main benefit of the proposal would be to the occupiers of the residential property, rather than amounting to a public benefit. I conclude that the less than substantial harm to the significance of the Conservation Area is not outweighed by public benefit.

Conclusion

13. The proposal is not in accordance with the development plan when read as a whole. There are no considerations to outweigh this policy conflict. The proposed development is not acceptable.
14. For the reasons given above I conclude that the appeal should be dismissed.

Diane Lewis

Inspector