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## Appeal Decision

Site visit made on 6 November 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 28<sup>th</sup> November 2017**

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**Appeal Ref: APP/A5270/W/17/3180446**

**Flat 10 Oxford Court, Queens Drive, Acton W3 0HH**

- 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 V Nikousefat against the decision of the Council of the London Borough of Ealing.
  - The application Ref 171141HH, dated 9 March 2017, was refused by notice dated 26 May 2017.
  - The development proposed is replacement windows.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hanger Hill Garden Estate Conservation Area (the CA).

### Reasons

3. The CA is characterised by mock Tudor properties which are prevalent throughout the area. Their uniform design is defined by their red facing brick, render and black timber detailed elevations with red clay tile roofs. Windows are also a distinctive feature of the CA. The Hanger Hill Garden Estate Conservation Area Character Appraisal (CACA) 2009 states that the houses have timber window frames with leaded lights whilst the flats have metal 'Crittall' frames with leaded lights set in hardwood surrounds. Whilst many properties have retained these original windows, some have been replaced with uPVC or aluminium units.
4. The appeal property comprises a flat which forms part of a large three-storey building. The existing windows are typical of the traditional windows throughout the majority of the building. The appellant states that the metal window frames and the timber surrounds are in a state of disrepair and it is proposed that they are to be replaced with either aluminium or uPVC windows that would look similar to the windows in the adjacent flat, No. 12 Oxford Court.
5. The appeal property is sited away from the highway and public views of the windows are limited. Nevertheless, they are important to the overall architectural integrity of the building and the character and appearance of the overall area.

6. The windows in No. 12 Oxford Court were refused permission by the Council in 2005 but were subsequently permitted on appeal. These windows have a similar pane to frame ratio and reflect the proportions of the original windows. However, as a result of the casements sitting on top of the frame, they appear bulkier and therefore have greater prominence, lacking the definition and profile of the original windows. Furthermore, the thicker casements fail to reflect the slender and elegant mullions and frames of the original windows.
7. The details of the proposed windows are very limited. Nevertheless, in my experience uPVC frames are thicker than timber or metal frames, not just as a result of the material and construction but also by virtue of carrying the double glazed units. With regard to the use of aluminium, there is no evidence before me to indicate that a double glazed unit could adequately respect the detailing of the original windows. As a result, it has not been demonstrated that the proposed windows would not appear heavy and inappropriately crude in their design and would not detract from the appearance of the property and the heritage significance of the CA.
8. Whilst the windows in No. 12 were allowed on appeal, this was prior to the publication of the CACA and the adoption of the London Borough of Ealing Development Strategy 2026 Development Plan Document (the CS) adopted 2012, the London Borough of Ealing Development Management Development Plan Document (the DP) 2013, the London Plan 2016, and the National Planning Policy Framework (the Framework). Therefore, the windows were considered against different local and national policies than the current proposal. Moreover, the windows in No. 12 are on the second floor and are smaller in size than the appeal windows. Consequently their effect on the CA is considered to be less than the proposal.
9. I have had regard to the numerous examples of uPVC and aluminium windows that have been installed throughout the CA, as referred to me by the appellant, many of which are similar to those proposed. However, there are no details before me to indicate when these windows were installed or whether they benefit from planning permission. Whilst I fully appreciate that the presence of these windows may be a cause of frustration for the appellant, I do not agree that their failure to adequately reflect the detailing of the original windows does not cause harm to the character and appearance of the CA, which should not be exacerbated.
10. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. I appreciate that the proposed replacement windows and doors would provide improved thermal efficiency of the property. Furthermore, I acknowledge that the cost of more appropriate windows may be significantly greater. However, whilst the harm to the significance of the CA would be less than substantial, I do not consider that these matters, or any others, represent a public benefit that would outweigh this harm.
11. I conclude therefore that the proposal would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to comply with Policies 7.4, 7B and 7C of the DP, which, amongst other matters, seek to ensure that development in existing areas should complement their materials

and detailing; ensure that external treatments, fittings and materials complement the building and context; and, conserve the significance of heritage assets and protect and, where appropriate, restore their original or historic fabric. It would also fail to comply with Policy 1.1 of the CS, which seeks to care for the Borough's historic character. Furthermore it would also conflict with Policies 7.4, 7.6 and 7.8 of the London Plan, which state that development should have regard to the form, function and structure of an area; be of the highest architectural quality; and, development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

### **Other Matters**

12. I acknowledge that the appellant and her neighbours were unaware of the existence of the CACA and the Hanger Hill Garden Estate Conservation Area Management Plan. However, whether or not they were consulted on these documents is not a matter for me to consider in the determination of this s78 appeal.

### **Conclusion**

13. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR