
Appeal Decisions

Site visit made on 9 January 2018

by Christa Masters MA (Hons) MRTPI

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

Decision date: 29th January 2018

Appeal A: APP/E5900/W/17/3181407

Flat 5, Ivory House, East Smithfield, London E1W 1AT

- 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 Mark Wilson against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00761, dated 14 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is replacement of the existing single glazed casement windows on the north and south facades and casement windows and French doors set on the east façade, with new double glazed timber framed units and sills.
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Appeal B: APP/E5900/Y/17/3181413

Flat 5, Ivory House, East Smithfield, London E1W 1AT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mark Wilson against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00762, dated 14 March 2017, was refused by notice dated 10 May 2017.
 - The works proposed are replacement of the existing single glazed casement windows on the north and south facades and casement windows and French doors set on the east façade, with new double glazed timber framed units and sills.
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Decision

1. The appeals are dismissed.

Main Issues

2. Whether the proposal would preserve the special architectural and historic interest of the Grade II listed building and whether the proposal would preserve or enhance the character or appearance of the Tower Conservation Area.

Reasons

3. The special architectural and historic interest of the building is derived from its origins as a large early 19th century stock-brick dock warehouse building which has retained much of its utilitarian character and appearance, including the arched arcade openings on the ground floor and the consistent and uniform fenestration and large expanses of plain brickwork to the upper storeys. The existing single-glazed casement windows are a notable contributing factor to

this special architectural and historic interest, and their proportions, glazing bar size and profile are all consistent with the period of the building.

4. The appeal property itself comprises a first floor flat within the attractive Ivory House which is a Grade II T shaped building in a visually prominent location within St Katherine's Dock. From my site visit, it was clear to me that the building and in particular the elevations which would be effected by the proposals are clearly visible from a number of public and private vantage points around the Basin. The building is residential on the upper floors with mixed commercial uses on the ground floor. As with many dockside buildings, the fenestration treatment presents a feature which is of both aesthetic and historic value to the building, and makes an important contribution to the significance of the listed building. In the case of Ivory House, this is also important given its prominent location within the Basin.
5. The Tower Conservation Area is acknowledged to be one of the largest and most significant within the borough, as it is located close to a number of buildings of national and international importance. Ivory House is recognised as the only historic warehouse which survives on the site, and St Katherine's Dock itself is acknowledged to contain a wide variety of architectural styles. From what I saw on the site visit, I would agree with this assessment. Ivory House is an important prominent building within the conservation area and makes a significant positive contribution to the distinctive character and appearance of the area as a result.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. My attention has been drawn to a number of policies including policies 7.4, 7.6 and 7.8 of the London Plan (LP) 2016. Policy 7.4 seeks to ensure, amongst other things, that planning decisions allow existing buildings to make a positive contribution to the character of a place. Policy 7.6 is a general policy concerning architecture. Policy 7.8 addresses heritage assets and advises, amongst other things, that development affecting heritage assets and their setting should conserve the significance, by being sympathetic to their form, scale, materials and architectural detail.
8. Policy SP10 of the Core Strategy (CS) 2010 advises, amongst other things, that in order to create distinct and durable places, proposals should preserve or enhance the wider built heritage and historic environment of the borough. Policy DM24 of the Managing Development Document 2013 (MDD) advises, amongst other things, that design should be sensitive to and enhance local character. Policy DM27 of the MDD goes on to note that development will be required to protect and enhance the borough's heritage assets. Proposals for alterations will only be approved where, the proposal does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting.
9. Paragraph 132 of the Framework says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost

through alteration or destruction of the heritage asset, or by development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification.

10. The proposal comprises the replacement of a number of existing single glazed windows and French doors on the north, south and east elevations with new double-glazed timber framed units and cills. I acknowledge that the replacement windows would be to a similar design, and the materials and colour would also match the existing. Nevertheless, the drawings provided demonstrate that the fenestration will differ from the original which will remain on the remainder of the building. In particular, it would appear that the treatment of the mullion would differ from the existing, as well as the design detailing of the vertical fenestration.
11. The provision of double glazed units would present a contrasting style on parts of the first floor on 3 elevations of the building. When the alterations proposed are considered as a whole and in the context of the existing fenestration detailing, this would in my view cause significant harm to the visual appearance of the building, which I have already established makes a significant positive contribution to the conservation area. The Historic England Guidance '*Traditional Windows, Their Care, Repair and Upgrading (April 2015)*' states that traditional windows and their glazing make a hugely important contribution to the value and significance of historic areas. It says they are an integral part of the design of older buildings, can be important artefacts in their own right, and that surviving joinery should be conserved and repaired wherever possible.
12. I am unable to agree with the appellant's assertion that the replacement windows will complement the existing windows and French door set, or that the location at first floor would somehow reduce any perceived visual impact. I also note that from a visual inspection, the existing windows appeared to be in reasonably good condition. Contrary to the views expressed by the appellant regarding the diversity of architectural styles in the wider area, the replacement windows and French doors proposed need to be read in the context of the elevations as a whole and the remaining fenestration in place.
13. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. However, I am satisfied in this case that the degree of harm caused would be less than substantial. In such situations this harm should be weighed against any public benefits arising from a proposal.
14. The appellant says that one of the main reasons for the replacement windows is to mitigate heat loss through improved thermal performance. Nonetheless, the English Heritage (now Historic England) guidance: *Energy Efficiency and Historic Buildings* June 2012 says that when assessing proposals for the replacement of windows that contribute to the significance of a listed building with double-glazed units, the public benefits arising from improvements to thermal efficiency will only very rarely outweigh any harm to the public interest caused by the loss of the existing windows. I find no reason to disagree with this advice, and in any event, other alternatives such as secondary glazing and close-fitting thermal blinds, may offer possible solutions.

15. The appellant also states that the proposal could improve acoustic performance. Although I have no technical evidence before me to support this statement, I acknowledge that the replacement windows may deliver benefits in this regard. Notwithstanding this factor, these benefits alone are not in my view enough to outweigh the considerable material harm to the designated heritage assets concerned.
16. In summary, I conclude that the proposal would detract from the special architectural and historic interest of the Grade II listed building and would fail to preserve the character or appearance of this part of the Tower Conservation Area, causing less than substantial harm to the significance of these heritage assets. In the absence of public benefits that might outweigh this harm, the proposal would conflict with the Framework, MDD Policies DM24 and DM27, CS Policy SP10, and LP Policies 7.4, 7.6 and 7.8.

Conclusion

17. For the reasons given above, both appeals are dismissed.

Christa Masters

INSPECTOR