
Appeal Decision

Hearing Held on 10 April 2018

Site visit made on 10 April 2018

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 22 June 2018

Appeal Ref: APP/E5900/Y/17/3180040

18 to 76 (evens) Bromley Street, London E1 0NB

- 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 Mile End Housing Co-operative against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03178, dated 1 November 2016, was refused by notice dated 18 January 2017.
 - The works proposed are described as the existing front and rear elevation windows would be removed and replaced with new slim line box sash windows with soft wood joinery, incorporating a 4mm-12mm-4mm putty glazing unit.
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Decision

1. The appeal is dismissed and listed building consent is refused for the replacement of front and rear single glazed timber sash windows with double glazed timber frames sash windows.

Procedural matters

2. The description of the works to be carried out as described in the application differs from that shown in the Council's decision notice. I have used the appellant's description as indicated in the banner heading.
3. The address postal code also differs; however, I have used the postal code used by the Council, including in the banner heading as this has been consistently used in documents throughout the appeal thereafter.

Main Issues

4. The main issues in this appeal is firstly, whether the proposed works would preserve the Grade II listed building known as 6-90 Bromley Street or any features of special architectural interest that it possesses and secondly, whether they would preserve the character and appearance of the York Square Conservation Area.

Reasons

Significance

5. The special architectural interest and significance of this listed building consisting of a long group of terraced properties located on the eastern side of Bromley Street is most evidently expressed in the simple proportions and well-

balanced and proportioned regularity of doors and windows set below a London roof finished with coped parapet with ground and first floors separated horizontally by a stucco string course in an otherwise brick elevation that sits behind railings set in a stone plinth. The three double-hung sash windows (typically 6x6) to each property frontage play a significant role in articulating the architectural language and composition of the street facing elevation. The rear elevations contain less uniformity with various extensions, modern windows and doors upsetting the stylistic rhythm that is evident in the front elevation.

6. During my site visit, I entered one of the houses the subject of this appeal and also viewed the rear of the terraced group. Evidently, the works that were carried out to the previously dilapidated properties during the 1970s resulted in the loss of some of the internal features as well as the rear extensions that once formed an integral part of the historic fabric of this listed terrace and probably accounts for the listing on the basis of its Group Value. Along with the neighbouring terrace opposite however, it is the front elevations that individually and collectively give this long street a strong uniform and orderly appearance.
7. Although the appellant argues that the 1970s horned sash window replacements carried out at that time do not form part of the historic fabric and do not conform in design terms to the hornless sashes of their originals, they nevertheless embody many of the aesthetic qualities consistent with mid nineteenth century houses and their window carpentry of that period. These features include the relatively refined elements comprising the rails, styles and profiled glazing bars accommodating single glazed panes of the in-situ sashes themselves. The simple neo-classical proportions of the front elevation and the close position of the terrace relative to the street elevates the importance of the windows and doors to the architectural composition overall. The constructional integrity of the 1970s windows therefore do make a contribution though modest to the special interest and significance of the building.
8. From my inspection of the boxes and frames at close quarters, particularly at the front, whilst there are a number of cills and frames that are showing signs of decay, the majority appeared to be in essentially sound condition and I heard that up to fairly recent times, the Co-operative had a continuous programme of maintenance, which included repair and re-painting at regular intervals. There appears to be little deterioration of the rear windows.

The proposed works and effect on special interest

9. The proposed works seek the complete replacement of windows in the front elevation and the replacement of the smaller sash windows to the rear. The replacements are indicated as being formed of Accoya timber, a durable, sustainable building material to match the style, operation and detailing of the existing windows. The justification for these works is that they will deliver greater thermal efficiency and deliver a substantial improvement in environmental performance. Moreover they would improve security at each property.
10. No evidence was submitted that the present windows are not capable of repair and no conditions survey was undertaken. An assertion was made however that the costs of repair would be prohibitive and that the previous maintenance regime had also proved costly with little overall benefits to the Co-operative

members. The principal thrust of the appellant's arguments lay in the submission that the windows can be replicated to closely match the existing and that they would be indistinguishable when viewed from the street. Furthermore, the windows would merely replace modern additions that have no historic provenance. Whilst they would incorporate 12mm spacing between the 4mm putty glazing units, the drawings and sections indicate that they would be constructed with individual panes rather than the alternative modern method of two single glazing sheets with replica glazing bars applied to the outer and inner surfaces.

11. During the Hearing, the Council explained that it has sought to work closely with the appellant to achieve an acceptable solution. I was invited to view a sample conservation-style double glazed box sash that had been manufactured for a scheme elsewhere within the Borough and which the Council believed might have been acceptable at the appeal site. The parties and I inspected this sample prior to the site visit. In retort, the appellant had also obtained a sample of the sash window that they wished to use and I was able to view this window at my site visit. The design of the appellant's window included the sash horns to replicate the existing window design at the appeal building.
12. Although the Council's sample window appeared to have a noticeably thinner spacing between the inner and outer framing whilst the appellant's sample incorporated individual panes rather than a single glazing sheet either side with applied framing members, in both window samples, the combination of the slightly thicker glazing bars and very obvious spacers, together with the combined glazing that gives a double registered visual effect, would make the modern glazing to either window style clearly obvious to all but the casual of observers. They would not, to my mind, replicate the existing slender and obviously chamfered nature of the existing sash windows, notwithstanding either that the existing window styles are not contemporaneous.
13. While I fully acknowledge the age of the existing windows and the inclusion of horns, they do comprise a form of carpentry that is generally consistent with the historic fabric of the listed building and their constructional integrity still contributes to the significance of this listed building. Not all the houses within this terrace group are included in the application. The introduction of obviously different patterned sash windows in the appeal part of this group would make them appear quite different to the existing windows that would remain in this terrace. This would accentuate the architectural disparity that would inevitably occur from the use of different window compositions and would not preserve the historic interest of the building when taken as a whole.
14. Accordingly, I consider that the replacement of the glazing to the front elevation very particularly but also, albeit to a slightly lesser extent, to the rear elevation, would clearly fail to preserve the special architectural interest of the listed building, contrary to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the desirability of which is a consideration the Courts have determined as a matter of considerable importance and weight. Moreover, it would fail to accord with the expectations of paragraph 132 of the National Planning Policy Framework (the Framework) which attaches great weight to the conservation of designated heritage assets. For the same reasons, the works would also conflict with Policies 7.4 and 7.8 of the London Plan (2016), Policy SP10 of the London Borough of Tower Hamlets Core Strategy (2010 and Policy DM27 of the Council's Managing Development

Document (2013) (MDD), which collectively seek to underpin these national statutory and policy objectives.

Effects on the conservation area

15. It is evidently clear that the vistas created by the long terraced buildings along Bromley Street, as well as a number of other streets, help reveal the fine example of the 19th century vision for East London, expressed in the original 1832 plan for York Square, with its form typified by uniform, continuous modest terraces on narrow allotments. The terraces of properties along Bromley Street are comparatively long and the street itself relatively wide, which provides unobstructed views of its buildings and contributes significantly to the character of this part of the conservation area. As stated above, this provides greater prominence, particularly to the front elevation of the terrace, whilst both the detail and the rhythm of the windows and doors are key components of the architectural and historic language and which are readily noticeable when viewed up and down the street and from close quarters. To the rear, the windows are visible from both the private thoroughfare that has now been set out as a communal garden area enjoyed by occupiers of properties within the terrace and from houses that form the adjoining street. As a result, the contribution that the windows within this group make to the character and appearance of the conservation area is significant.
16. Therefore, for the same reasons given above, I conclude that the proposed works to the front elevation of this terrace in particular and, to a slightly lesser extent, the rear would fail to preserve the special architectural and historic interest of the listed building. In so doing, the works would also diminish the contribution that this listed building makes to the designated conservation area. The works would therefore fail to preserve the area's character, again, contrary to the expectations of section 72 of the Act, to paragraph 132 of the Framework and to Policy DM27 of the MDD in particular.

Planning balance

17. In accordance with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to the designated heritage assets, to consider the magnitude of such harm. I have identified this to be less than substantial when considered in the context of the asset taken as a whole.
18. As the appellant suggested at the Hearing, it may be the case that the replacement windows might achieve greater thermal and environmental efficiencies thus reducing fuel poverty and through CO2 emissions reduction. They might also help provide greater security within a relatively high crime area of London. I have no difficulty in accepting that these benefits can reasonably be defined as public benefits.
19. However, I am not persuaded that sufficient efforts have been made to assess whether alternative methods of construction, such as the use of secondary glazing as the Council suggests, would not provide similar results while at the same time respecting the character of the existing window design that quite properly maintains the historical integrity of this listed group. The benefits are therefore only accorded limited weight in my conclusions. In any event, even when considered with other matters that may be in favour of the scheme, these are considerably outweighed by the significant harm that I have identified.

20. Although the harm has been judged less than substantial with regards to paragraph 134 of the Framework, this does not mean that it should be accorded less than substantial planning objection, especially where the statutory duty to preserve and conserve heritage assets have not been met.

Conclusion

21. For the reasons given above and having regard to all other matters raised in the evidence and at the Hearing, I conclude that the appeal should fail and listed building consent is thus refused.

Gareth W Thomas

INSPECTOR

APPEARANCES:

For the Appellant:

Jason Froude	Chartered Building Surveyor, Daniel Connal Partnership LLP
Jonathan Edis	Director, Heritage Collective

For the Council:

Ricki Weir	Planning Officer
Vicki Lambert	Heritage & Design Officer

Interested Parties:

Joseph Lees	Local resident
Rebecca Morgan	Local resident
Luke Gormally	Local resident
Janet Canty	Local resident

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

Doc.1:	Signed Statement of Common Ground
Doc.2:	Photograph (photocopied) of Bromley Street (December 1974)