

Appeal Decision

Site visit made on 26 June 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/A5270/D/19/3227749

51 Tudor Gardens, London, W3 0DU

- 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 Patrick Chiu against the decision of the Council of the London Borough of Ealing.
 - The application Ref 190304HH, dated 23 January 2019, was refused by notice dated 28 March 2019.
 - The development is described as the replacement of windows from aluminium to uPVC and alterations to front door (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of windows from aluminium to uPVC and alterations to front door (retrospective) at 51 Tudor Gardens, London, W3 0DU in accordance with the terms of the application Ref 190304HH, dated 23 January 2019.

Preliminary Matters

2. As the description of the development implies, the replacement windows have already been inserted and the front door altered. The appellant, in effect, wishes to retain the works carried out. I shall proceed on this basis.
3. The appeal property is located within the Hanger Hill Garden Estate Conservation Area (CA).

Main issue

4. The main issue is whether the development has preserved or enhanced the character or appearance of the CA.

Reasons

5. The appeal property is comprised within a terrace of 6 dwellings, referred to as Mock Tudor house type C in the Council's CA Appraisal. The terrace forms part of an estate built during the inter-war years, laid out in a formal manner and comprised of a mixture of house types and flats, of varying designs, but which have in common a mock Tudor appearance. The trees lining the streets provide a softening, verdant aspect within an estate displaying distinct suburban characteristics.
 6. The terrace stands in a quiet corner of the estate, and each house within it displays double bays, brickwork on the ground floor with mock-Tudor features above. The roofs are tiled, and brick chimneys are still evident. The original hips at the ends of the terrace remain in place.
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7. Viewed when approaching from the north-west or south-west, the terrace retains a significant degree of visual unity, strongly reflective of what the terrace would have looked like when originally built just short of a century ago.
8. However, a closer inspection from immediately outside reveals changes in the composition of the front elevations of the individual dwellings comprised within the terrace. Setting aside the appeal property, porches have been added, original window frames changed to uPVC, new glazed doors hung, and leaded lights introduced. The original brickwork on one property has been painted over.
9. The CA Management Plan provides that these are the type of changes which the Council seeks to prevent, and to assist in this regard has introduced an Article 4 direction, which necessitates planning permission being required for certain minor works otherwise deemed as permitted development.
10. The Council asserts that the development '*is out of keeping with the character of the neighbouring buildings*'. Judging from what I saw, however, that is plainly not the case, given the changes referred to earlier that have taken place to the front façade of the terrace. Moreover, the property's original timber windows had been taken out some time ago and replaced with aluminium frames.
11. My duty under the provisions of Section 72 (1) of the Act¹ is to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The implications of the duty were clarified by the House of Lords in its judgment².
12. The Council is also aware of this duty but in its CA Management Plan says:

The Council supports this standard (ie preservation) as a basic requirement but will always encourage applicants and their agents to develop schemes that will actively enhance the character of the CA.
13. To my mind, the development has not enhanced the character or appearance of the conservation area.
14. On the other hand, given the elevational changes evident within the terrace, and that the original timber windows of the appeal property were torn out long ago, the replacement windows have not caused harm. At worst, the recent introduction of the replacement windows and indeed, the new door, have had a neutral effect on the appeal property, the terrace, street scene and on the CA generally. The character and appearance of the CA is therefore, in my view, preserved.
15. I conclude that the development has not harmed the character or appearance of the CA. Accordingly, there is no material conflict with those aspects of the Council's Development Management Development Plan Document policies 7.4, 7B & 7C and policies 7.4, 7.6 & 7.8 of the London Plan directed to ensure that the design and scale of new development respects local character and safeguards the Borough and the Capital's heritage assets.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

² South Lakeland District Council v Secretary of State for the Environment and another: HL 1 APR 1992

16. I have considered the Council's three suggested conditions, and find that all are unnecessary given that the development has taken place and is substantially complete.

Other matters

17. Although reference has been made to other development plan policies, those to which I have referred are considered the most relevant in the particular circumstances of this case.
18. All other matters raised in the representations have been taken into account, including the references to the *National Planning Policy Framework*. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.
19. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR