
Appeal Decision

Site visit made on 28 June 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/A5840/Y/18/3213722

113 Kennington Park Road, London SE11 4JJ

- 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 Tim Carroll against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/0470, dated 12 February 2018, was refused by notice dated 10 April 2018.
 - The works are the replacement of 8 no. wood sliding sash windows in front elevation with double glazed wood sliding sash windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The windows in the front elevation, on the upper ground, first and second floors had been installed by the time of my site visit. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the replacement of the windows in the front elevation preserves the building listed Grade II as numbers 87-121 and attached railings, 87-121 Kennington Park Road, and any of the features of special architectural or historic interest that it possesses.

Reasons

4. This is a late C18 terrace of 'second rate' houses, listed for its group value, which, alongside many similar terraces, line one of the grand avenues leading to St. George's Circus, following the masterplan of Robert Mylne, and characterised by late C18 and C19 houses and designated as the Kennington Park Road Conservation Area (CA).
 5. What little ornamentation there is in the front elevation of the house is largely confined to door cases and fanlights. The Council advises that the windows in the front elevation of No 113 were replaced in the late C19. I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the windows of the front elevation and their contribution to its historic and architectural significance.
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Removed windows

6. Though there are no detailed drawings of the removed windows or photographs of them when in-situ, the Council's site photographs following their removal have captured sufficient information alongside its statement for me to understand what was there before these works.
7. I note that while the appellant considers that only the upper ground floor window sash boxes were inset, he does not dispute the Council's claim that the windows had internal timber shutters at upper ground and first floors, and that they included architraves and counter-weighted sash boxes.
8. I have not seen the timber shutters, so I am unable to comment on them. Notwithstanding this, the removal of the C19 windows has resulted in the loss of historic fabric. Though the original windows had already been replaced, the C19 patterns removed had a distinctive, slender construction with single panes of glass with putty beads which reflected those in the openings of other houses in the terrace, underpinning the coherence of the front elevation of the building and its special architectural interest. Moreover, they had evidential value, demonstrating the counter-balanced mechanism, and the craftsmanship and architectural taste of that time.
9. I note that the removed windows are described as being in poor condition and harmful to the appearance of the building. However, there is no evidence of their poor condition or that they were not in place when the building was listed. I conclude that the removal of the C19 windows has resulted in harm to the special historic interest of the listed building. I turn now to the windows which have replaced them.

New windows

10. I have insufficient information to conclude on the opening mechanism of the new windows and the dimensions and locations of the sash boxes compared to the removed windows.
11. Notwithstanding this, the machine-like regularity of the conspicuous internal lines and bead of what the Council describes as the 'sandwich effect' of the modern double glazing appears at odds in the elevation of the terrace, which includes the more characteristic unevenness from single panes of glass with putty beading. Moreover, the jambs and heads, and the meeting stiles of the sashes appear substantially wider than the more slender sections of the windows in the rest of the terrace which are characteristic elements of the special architectural interest of the building.
12. I appreciate that the new windows are made of timber, and they have double sliding sashes. However, apart from this, their relative crudeness undermines the finer lines of the more traditional windows and the coherence of the opening treatments across the front of the terrace. Despite the lack of ornamentation, the balanced proportions of the openings and their ordered arrangement in the elevation of the terrace underpin its elegant Georgian structure. In this context, the design of the windows and doors within those openings are the counterpart harmony to that mannered cannon. The installed windows are distinctly out of synchronisation.
13. I saw the uPVC windows in the front elevation, at lower ground floor, however, the Council suggests that these were not given listed building consent. They

do not in any case justify the compound harm from these works. Overall, the new windows have resulted in harm to the special architectural interest of the listed building.

Planning Balance

14. I conclude that the works fail to preserve the special architectural and historic interest of the listed building, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
15. I have had regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, to the distinctive architectural character of which the front elevation and openings of this building make a significant contribution. I have found harm to the special historic and architectural interest of the listed building. It follows therefore, and especially given its prominence, that the architectural character and appearance of the CA has also been, incrementally, diminished.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has explained that the reason behind the works was to reduce noise and air pollution and to improve thermal efficiency. While I understand the motivation, and recognise the environmental and social benefits, these would be of little benefit to the public at large. Moreover, there is no substantive evidence that a more sensitive solution with similar benefits was considered. In any event, the benefits do not outweigh the harm to the listed building.
17. I conclude that the works fail to preserve the special historic and architectural interest of the Grade II listed building. They fail to satisfy the requirements of the Act, paragraph 192 of the Framework and development plan policies insofar as relevant.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR