



Appeal Decision

Site visit made on 2 September 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/C5690/W/19/3231720

52 Lock Chase, London SE3 9HA

- 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 J R Copeland against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111031, dated 15 February 2019, was refused by notice dated 2 May 2019.
 - The development is described as the 'retrospective replacement of windows with new upvc windows'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The replacement u-pvc windows have been installed at the appeal property. Therefore, I am considering this appeal retrospectively.

Main Issue

3. Whether the proposal would preserve or enhance the character or appearance of the Blackheath Conservation Area.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Blackheath Conservation Area (the 'CA').
5. Lock Chase is a residential development within the CA. The CA's character is derived from the special quality of the Blackheath and the mix of surrounding uses and commercial activities. The Heath offers recreational value of metropolitan importance and provides an important buffer zone between built development and the World Heritage Site of Maritime Greenwich. To the south of the Heath there is Blackheath Village, which hosts various commercial activities, and the adjoining residential areas, which consist of a mix of property types from different architectural periods.
6. Lock Chase is identified as an area of distinct character within the Blackheath Conservation Area Character Appraisal (CACA). The Lock Chase development dates from 1959 and comprises a mix of two storey flats and houses laid out in blocks around an open grassed area to the centre of the development.

7. On the western side of the development there is a group of three flatted blocks. Each of the three blocks comprises of six flats and the external design of the respective buildings, gives the impression of a terrace of houses, rather than a flatted development. The appeal property is a first floor flat at the northern end of the central block.
8. The Council have stated that the appeal property is a non-designated heritage asset. However, no details have been provided, such as a local listing entry, to confirm this status. In any event, this is not a decisive issue because for the reasons set out below, I consider that the appeal property makes a positive contribution to the CA.
9. Each of the three blocks is characterised by a range of design elements including prominent chimneys, gables facing the street with oculus windows and canted bay windows. Consequently, the flatted blocks add positively and distinctively to the character and appearance of this part of the CA.
10. The original windows to the flatted blocks appear to be of a steel frame 'Crittall' type. It is evident that a number of properties, both within the flatted block within which the appeal property is located and within the group of three blocks, have replaced the original windows with white uPVC windows. However, it is unclear whether these works benefit from planning permission.
11. The ground floor flat immediately below the appeal property retains its original 'Crittall' type windows. The original windows have a slender framework and external glazing bars, which make up the distinctive grid pattern and casements and provides relief when viewed from the street. The uPVC windows which have been installed at the appeal property have noticeably thicker frames and internal glazing bars, which despite an attempt to replicate the original grid pattern, creates a jarring and harsh impact, when viewed against the context of the more slender and detailed original windows of the flat below and the other flats within the three flatted blocks, which retain their original windows. Consequently, the development appears out of character with the appeal property and the Lock Chase development, which causes significant and demonstrable harm to the character and appearance of the CA.
12. The appellant argues that permission has been granted by the Council on three occasions for non 'Crittall' type replacement windows on the Lock Chase development. In addition, they have provided the results of a survey of 42 properties within the Lock Chase development, which concludes that approximately 30% of the properties retain their original 'Crittall' type windows.
13. I am not aware of the full planning history of these properties. However, I note that the three decisions which have been referred to by the appellant, appear to pre-date the National Planning Policy Framework (the Framework) and the development plan. In any event, I consider that the vast majority of non 'Crittall' type replacement windows, which I observed on my site visit, are detrimental to the character and appearance of the CA, as they introduce window forms which do not reflect the high quality of the 'Crittall' type windows originally associated with the Lock Chase development. The existing harmful impacts on the character and appearance of the CA, do not provide justification to allow further harm, which results from the appeal proposal.

14. This issue is specifically identified within the CACA, which advises that the quality of the residential blocks within the Lock Chase development has been let down in places by the replacement of the original 'Crittall' type windows with uPVC examples. The works undertaken at the appeal property compounds the existing harm and further erodes the special qualities of the CA.
15. The appellant has stated that external glazing bars could be fitted to improve the visual appearance of the uPVC windows and such details could be secured by a planning condition. Even if I were to accept that external glazing bars would improve the appearance of the uPVC windows, the imposition of such a condition would not mitigate the adverse impacts caused by the noticeably thicker uPVC framework.
16. I acknowledge that the uPVC windows improve the thermal performance and sustainability credentials of the property, which in turn provides improved living conditions for the appellant who suffers from health issues. However, there are more sensitive means available to achieve these benefits, which would be more in-keeping with the existing building and the Lock Chase development.
17. In conclusion, the proposal neither preserves or enhances the character or appearance of the CA. Whilst the harm to the significance of the CA, when considered as a whole, is less than substantial, the benefits of the development are not sufficient to outweigh the harm, which I have identified above. Consequently, the proposal does not accord with Policies 15 and 16 of the Lewisham Local Development Framework Core Strategy (2011) and Policies 30, 31 and 36 of the Lewisham Local Development Framework Development Management Local Plan, which amongst other things, require new development, including alterations to residential properties, to be of a high quality design and respond to local character, whilst preserving or enhancing the character and appearance of the Borough's Conservation Areas. In addition, the proposal does not accord with Chapter 16 of the Framework.

Other Matters

18. I have been referred to an appeal decision from 26 January 2015¹, which relates to the installation of replacement aluminium windows at the appeal property. The previous proposal related to a different type of window frame from that which I am considering as part of this appeal. Therefore, the proposals are not directly comparable. In any event, this appeal has been determined on its own planning merits and the previous appeal decision does not alter my findings on the main issue.

Conclusion

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

Christopher Miell

INSPECTOR

¹ Appeal Ref: APP/C5690/A/14/2227205