
Appeal Decision

Site visit made on 11 December 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2020

Appeal Ref: APP/Y5420/C/19/3223572

Flat c 104 Hillfield Avenue, London, N8 7DN.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Green against an enforcement notice issued by the Council of the London Borough of Haringey.
- The enforcement notice was issued on 20 February 2019.
- The breach of planning control as alleged in the notice is the installation of PVCu windows at second floor level.
- The requirements of the notice are to (1) remove the windows at second floor level and (2) remove any debris resulting from step 1.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of the decision: The appeal is dismissed, the notice is upheld and planning permission is refused on the deemed application.

Appeal on ground (a)

Main Issue

1. The main issue is the effect of the windows installed at second floor level on the character and appearance of the host property and its setting in the Hillfield Conservation Area.

Background

2. The appeal site comprises a two storey mid-terraced property subdivided into flats where the accommodation at second floor level is in the roof space and lit by a twin element dormer window on the front roof slope. The property lies in the Hillfield Conservation Area. In assessing the effect on the conservation area I have had special regard to the desirability of preserving or enhancing the character or appearance of this heritage asset.
3. The Council says that the conservation area is a notable and well preserved example of a late Victorian and Edwardian estate of considerable consistency and quality. It emphasises the variety of details in the architecture of the properties and it appeared to me at the site visit that most properties retain original wooden sliding sash windows and these contribute to the architectural and historic significance of this heritage asset. The Hillfield Conservation Area Character Assessment and Statement (May 2000) makes special reference to the sash windows which it describes as having eight semi opaque small lights in the upper two thirds of the sash.

4. The appellant says that the original windows were replaced in 2015 as the frames had become rotten and the windows had blown out in strong winds. They were replaced with PVCu ones as they were immediately available and were designed to match those on the remainder of the property with transom beading on the upper windows.
5. However, I do not agree that the windows are inconspicuous in their setting back from the street or that they are aesthetically similar to the original ones. The PVCu ones to which the notice relates have a much thicker frame compared to a sliding sash as shown in the comparative photographs in the Council's statement. There is less relief and shadow to the window as the top and bottom frames abut with each other. It is also obvious from the photograph supplied by the Council that the frames are 'top hung' and when open the frame projects out at an angle to the rest of the window. These characteristics mean that the windows installed are materially and significantly different to the original windows and to those also remaining on the two main floors of the property, and this difference is not mitigated by the application of transom beading to the windows.
6. Overall, I find that the windows referred to in the notice do not preserve or enhance either the character or the appearance of the Conservation Area but harm it. This results in the development being contrary to the provisions of Policy DM1(Bg) and DM9 (B, Cc and E) of the Council's Local Plan – Strategic Policies; and Policies 7.6 B and 7.8 D of the London Plan.
7. This harm caused constitutes 'less than substantial harm' in the context of the guidance in paragraph 196 of the National Planning Policy Framework, but it has not been demonstrated that the unauthorised work gives rise to public benefit. In any event substantial weight has to be given to the conservation of the heritage asset of the Conservation Area. The factors raised in support of the form of the new windows do not outweigh the conflict with the development plan or the harm that I have found to arise. This indicates that planning permission should not be granted for the development. The appeal on this ground fails.

Conclusion

8. For the reasons given above I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed planning application.

Formal decision

9. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Murray

INSPECTOR