
Appeal Decision

Site visit made on 27 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020.

Appeal Ref: APP/A5840/W/20/3250382

17 & 19 Trafalgar Avenue, London SE15 6NP

- 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 Anwar Ansari against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/0317, dated 31 January 2020, was refused by notice dated 2 April 2020.
 - The development is described as 'Retrospective application for the installation of double glazed upvc sliding sash windows'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the application was originally submitted for No.17 Trafalgar Avenue only. However, in light of the decision notice referring to both 17 and 19, and the submitted plans, I am satisfied that this appeal relates to both properties.
3. I also note from the application form and appeal form, the appellant's name differs. However, written confirmation has been received stating that the appeal is made by the original applicant. I have therefore proceeded on that basis.
4. The description of development refers to a retrospective application and at the site visit, it was clear the development had been carried out and the windows installed. From the submissions by the appellant and council, I understand that the style and design of the previous windows was mixed (some uPVC and some timber framed windows) prior to the work taking place. In terms of the timber framed windows, it is uncertain whether the original glazing was of interest, however it appears that the new windows are not entirely 'like for like' replacement and I have proceeded on that basis.

Main Issue

5. The main issue is the effect of the use of uPVC windows on the character and appearance of the host buildings and Trafalgar Avenue Conservation Area.

Reasons

6. No's 17 and 19 Trafalgar Avenue are two unlisted, terraced, three storey properties of the early 19th century set within a larger terrace of similar

- properties. The terrace falls within the Trafalgar Avenue Conservation Area (CA), which is a predominantly residential area, characterised by fine terraces of large townhouses that are considered to be a good example of early suburban C19th development. The uniformity of their design and detailing, together with the formality of their layout is clearly a defining characteristic.
7. The two buildings subject to this appeal clearly make a positive contribution to the CA. Like a number of neighbouring properties, they have been converted into apartments, but the substantial character of each property remains evident.
 8. The uPVC windows installed at No's 17 and 19 are of a sliding sash design. I note that the appellants have attempted to install windows with broadly similar features to the surrounding properties. However, the use of uPVC as a modern material is very rarely acceptable within such a setting where the original dwellings would have had painted timber sliding sash windows.
 9. Paragraphs 193 and 194 of the National Planning Policy Framework (Framework) require that any harm to the significance of a heritage asset (through development of the asset itself or its harm resulting from development within its setting) requires that great weight should be given to its conservation, as well as a convincing justification for such development. Further, at paragraph 196, development that leads to less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal.
 10. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Further, paragraph 196 of the Framework, states that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.
 11. Strategic Policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) (CS) and Saved Policies 3.12 (Quality in Design), 3.13 (Urban Design), 3.15 (Conservation of the Historic Environment) and 3.16 (Conservation Areas) of the Southwark Plan (2007) (SP) seek development that protects and enhances the settings of designated and non-designated heritage assets throughout the Borough.
 12. I note that in the officer's report there was some support for double glazed windows, provided they were timber framed.
 13. At the site visit, I was able to identify a discernible difference between the windows at the appeal site and those of the surrounding properties, on closer inspection. These differences related to the larger size and bulk of the uPVC frames where they had to accommodate double glazing.
 14. I have considered the 2007 permission (LPA Ref 03/AP/0924) and the conditions associated with it. In particular, condition 2 stipulates that all facing materials should match the '*original facing materials*' in '*type, colour, dimensions*'. I interpret this as the materials first used in the construction of the building and not those that may have existed at the time of the submission of that application. I do not agree with the appellant's assertion that the permission therefore has been '*complied with*'.

15. To that end, and in this case, I consider the uPVC windows, as installed, to have a harmful impact, albeit less than substantial, on the CA. I am not aware of any public benefit that would outweigh this harm and I find the development contrary to Policy 12 of the CS; saved policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the SP, nor the relevant parts of the Framework.

Conclusions

16. For the reasons given, and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR