



Appeal Decision

Site visit made on 5 May 2021

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021.

Appeal Ref: APP/G5180/W/20/3260149

Flat 3, Moorlands, Wilderness Road, Chislehurst, Kent, BR7 5HB

- 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 Mrs Margaret Bartrop against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01694/FULL1, dated 6 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is replacement of 2 bay windows and 5 flat windows with UPVC double glazed windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the Chislehurst Conservation Area (CCA).

Reasons

3. 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 CCA.
4. In considering the significance of the CCA, I have been directed to the Supplementary Planning Guidance for the CCA 2001 (CCA SPG). This document explains that Wilderness Road estate is notable as a pocket of development retaining a strong representation of good examples of the Arts and Crafts style constructed in the Edwardian period. It adds that the estate has a very cohesive character which includes large houses sharing stylistic similarities and utilisation of a similar palette of materials.
5. The appeal property forms part of a substantial detached property, named Moorlands, located close to one of the two principal entrances to the estate. Although the property has been significantly extended and altered since the 1960's, the original building is a locally listed building. The Council's evidence suggests that the five windows in this older part of the building (Windows W1-2 & 5-7) are the original timber framed windows.

6. The first floor bay window (identified as W1 on the submitted plans) together with the bay window directly below and the two adjacent windows in the original building (including window W2 on the first floor) provide a clear focal point for the western elevation of the building which faces the road. These large timber framed windows, particularly the very substantial bay windows, form an integral part of the historic character and appearance of the original building and because of their scale, location, and prominence also contribute positively to the character and appearance of the street scene and the CCA. I would concur with the view of the Chislehurst Society that the two-storey bay window, of which the upper window (Window W1) is the more widely visible, may be the best example among the houses in Wilderness Road of the large windows that are characteristic of many of the original properties in this part of the CCA.
7. In the adjacent link block for the 1960's southern extension are a further 4 timber framed windows (including windows W3 and W4 on the first floor) which resemble closely the design and materials of the windows in the original building. Together this block of 8 timber windows, which comprises windows W1-4 and the similar windows on the ground floor below, form an important and prominent feature which contributes positively to the character and appearance of the building, the street scene and the CCA.
8. Windows W6 and W7 are on a side elevation of the original property and though far smaller in scale than windows W1-4, sit close to the front of the property. These two original windows complement the block of 8 timber windows on the front elevation and further strengthen the positive impact this block of windows have on the building, street scene and CCA. Window W5 is a bay window that sits behind the newer extended part of the building. This window is not visible from the road but remains an integral part of the original building and contributes to a limited extent to the character and appearance of the CCA.
9. The proposed replacement UPVC windows would have a "Georgian style" design and include a pattern of glazing bars that would match the existing windows to be replaced. These windows would also reflect the design and materials of the other UPVC windows in the building.
10. But the removal of the traditional timber windows would be contrary to the CCA SPG which seeks retention and repair of original windows where practical. UPVC is a material that has an artificial texture and more uniform finish, when new and when ageing, compared to painted timber windows. In addition, the detailing of the replacement windows would differ from the existing windows. For example, the Council advise that the thickness of the mullions and transom would be greater in the replacement windows. From my assessment of the limited sectional details submitted it appears the glazing bars would sit behind the sheets of glass, rather than the glass sitting within the frame created by the glazing bars. The existing glazing bars¹ are a characterful part of the window design which can be identified on other original buildings on the estate.
11. Taken together these differences in design and materials, and the loss of the traditional timber frames, would be unsympathetic to the original design and composition of the windows and detract from the important contribution the windows make to the character and appearance of the building and the

¹ Windows W6 and W7 are leaded windows

- surrounding area. Furthermore, the proposed windows W1-W4 would differ in terms of detailed design and materials from the substantial and prominent timber framed windows on the floor below, further eroding the character and appearance of the building and its contribution to the CCA.
12. The appellants argue that the extensive provision of UPVC windows elsewhere on the building, together with the extensions and alterations undertaken since the 1960's, have changed the nature and character of the external appearance of the building as a whole and set a precedent for approval of the current scheme. My attention has been drawn to the approval by the Council in 2020 of 6 similar replacement UPVC Georgian Style windows in the original building and the Council's justification for that decision.
 13. Most windows in the southern extension of the building appear to be UPVC. But this wing of the building was added in the 1960's and although well integrated with the original building, particularly in terms of materials, reads as an extension and does not match the quality and interest of the original building. In addition, on the front elevation of the link block closest to the original building there are timber framed windows that closely match the style and appearance of the original building.
 14. The decision made by the Council in 2020 is a material consideration in this case. Given that the policy framework for conservation areas has not changed in the intervening period, I can thus see that, if only for consistency of decision-making reasons, this recent decision is seen by the appellants as a guide to what might be acceptable elsewhere in the original building.
 15. However, the windows in Flat 4 are located towards the rear of the building where public views of the property are limited. In contrast, 6 of the 7 windows in the current scheme are located towards the front of the building and are more visible from the road and therefore have a greater impact on the street scene. In addition to forming an integral part of the historic and architectural quality of the original building² these timber framed windows, particularly Window W1 which is of considerable scale and prominence, form a substantial part of a large group of timber framed windows that together make an important and positive contribution to the character and appearance of the building, the street scene and the CCA. Thus, although the 2020 approval adds weight in favour of the current scheme, this does not outweigh the harm that would arise from the current proposals to the character and appearance of the CCA.
 16. The harm that would arise from the proposed development would be localised, and therefore the impact on the CCA as a whole would be less than substantial within the meaning of Paragraph 196 of the National Planning Policy Framework (the Framework). No public benefits have been suggested by the appellant or the local planning authority that might outweigh the harm I have identified and in the absence of a clear and convincing justification for the harm, the proposal would be in conflict with the Framework which requires great weight to be given to the conservation of designated heritage assets.
 17. My overall conclusion on the main issue is that the proposal would harm the character and appearance of the CCA and thus its character or appearance would not be preserved or enhanced. Consequently, the proposal would be

² Except windows W3 and W4 in the newer link block

contrary to Policies 37 and 41 of the Bromley Local Plan 2019 and the CCA SPG which together seek to secure high quality design that respects local details, character and heritage.

Other matters

18. Evidence has been submitted regarding the poor condition of the existing windows and the prospect that the replacement windows would improve the residential amenity of the occupants and provide greater thermal efficiency. These considerations weigh in favour of the development. However, I have not been presented with substantive evidence to suggest that the current windows are entirely beyond economic repair or that UPVC windows significantly outperform well installed or maintained timber windows, which could be double glazed. Consequently, I cannot attach substantial weight to these considerations.
19. The dormer window above Window W1 on the front elevation of the building appears to be a replacement UPVC window. This window is far smaller and less prominent than Window W1. Its design, detailing and materials do not match the other windows in this part of the building and there is no evidence before me to suggest it has been granted planning permission, accordingly this consideration adds very limited weight in favour of the current scheme.
20. I note the submission in support of the application from a resident in Moorlands which advises that 6 out of the 8 flats in Moorlands have UPVC windows. Although this adds weight in favour of the scheme it does not, even in combination with the other considerations in support of the development, outweigh the harm I have identified.
21. Five of the seven replacement windows in the proposed development are located within the original building, which is locally listed. In the light of my conclusions in relation to the impact of the development on the character and appearance of the building, I find the proposals would harm the significance of a locally listed building. Paragraph 197 of the Framework notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account and therefore the harm to the original building adds weight against allowing this appeal.

Conclusion

22. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Anthony Thompson

INSPECTOR