

Appeal Decision

Site visit made on 14 June 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2021

Appeal Ref: APP/C5690/W/21/3266762

21 Glebe Court, The Glebe, Blackheath SE3 9TH

- 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 Ms Carol McClelland against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118215, dated 1 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is replacement of windows and installation of roof windows and replacement of front door.
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Decision

1. The appeal is dismissed insofar as it relates to the installation of roof windows, but is allowed insofar as it relates to the replacement of windows and replacement of front door. Accordingly, planning permission is granted for the replacement of windows and replacement of front door at 21 Glebe Court, The Glebe, Blackheath SE3 9TH. The permission is granted in accordance with the terms of the application Ref DC/20/118215, dated 1 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved drawings, so far as relevant to the replacement windows and front door hereby permitted: site location plan, elevations, door elevations, windows 1/2/3/4 and windows 5/6/7/8.

Preliminary Matters

2. The roof windows had been installed at the time of the inspection. I have, therefore, treated this appeal as involving an application for part retrospective planning permission.
 3. The Council's decision notice refers to policies from the London Plan (2016). However, since the decision was made this plan has been replaced by the new London Plan, published in March 2021, which includes different policies. The policies relevant to this appeal in the previous plan are strategic policies dealing with design and heritage matters. As such, I consider that there would be no prejudice to any parties' interests were I to rely for the purposes of this
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appeal on the local policies and guidance referred to by the Council, which address the same matters.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Blackheath Conservation Area in which the appeal property is located.

Reasons

5. The Blackheath Conservation Area comprises a substantial area, which includes open Heath land and its fringes to the north and the developed part to the south. The Glebe comprises a small group of Victorian villas built around a horse shoe shaped street, while Glebe Court is a more recent development comprising a group of apartment buildings and mainsonettes located in the north-west corner of The Glebe. In common with the wider area, Glebe Court includes well-landscape grounds providing a verdant character and appearance.
6. No 21 is an upper storey unit in one of the two storey maisonettes. The individual building which includes the appeal property makes a neutral contribution to the conservation area. However, due to the largely uniform character and appearance of the buildings set in attractive grounds, Glebe Court as a whole makes a positive contribution to the area.
7. Policy 15 of the Lewisham Core Strategy (2011) and DM Policy 30 and DM Policy 31 of the Development Management Local Plan (2014) (DMLP) all require development to be of high quality design. More specifically, DM Policy 31 requires that rooflights on the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene; and that replacement windows where controllable by the Council should closely match the pattern of the original windows. Policy 16 of the Core Strategy and DM Policy 36 of the DMLP require the conservation or enhancement of heritage assets, including conservation areas.
8. The *Alterations and Extensions* Supplementary Planning Document (SPD) provides guidance to support these development plan policies. It says that the roofscapes of the borough's conservation areas are generally characterised by the matte finish of unbroken roofslopes. If conspicuously located, rooflights can be visually intrusive, alien elements which harm the distinctive character of the host building and diminish its contribution to the special qualities of the conservation area. Rooflights should be few in number and generally restricted to the rear or least visible roofslopes¹.
9. There is a single rooflight installed to the side elevation and two to the front elevation. The visible roofscape of the neighbouring maisonettes is unaltered and does not include any similar examples of rooflights above the front elevations. Despite the tree cover, the rooflights to the front are visible in this otherwise original setting, particularly from the higher ground above the maisonettes. As such, the rooflights are visually intrusive features, which harmfully contrast with the original character and appearance of the roofscape of the nearest similar buildings in Glebe Court. While there are examples of

¹ Paragraph 5.5.4.

- rooflights in the larger apartment building, this is not part of the group of the visually coherent and uniform maisonette buildings in which the appeal property is located. The fact that the rooflights and their relationship with the other maisonettes cannot be seen from the road frontage does not have a direct bearing on this finding, particularly because the effect of development in a conservation area is not dependent on such views being available.
10. With regard to replacement windows in conservation areas, the SPD says that the cumulative effect of unsympathetic modern windows erodes the locally distinctive qualities of a designated area and harms its significance. Where inappropriate modern windows presently exist, replacement presents an opportunity to reinstate windows consistent with the original architectural intention².
 11. The original windows were single glazed with aluminium frames while the current window frames are UPVC, which have been painted black. The proposal is to replace these with frames of the same size and appearance, but incorporating double glazing. It appears that a number of the buildings in Glebe Court have replacement UPVC window frames, but a consistent feature is that all the frames are black, which retains a good degree of visual uniformity across the buildings.
 12. I acknowledge the Council's concerns that the frames could appear too thick in profile and that the optimum solution would be to reinstall new aluminium frames. However, the principal determinant of the consistency of appearance of the frames is their colour, which the proposed windows would maintain. Moreover, given the existing number of properties which apparently have replacement UPVC windows, it would not be reasonable to refuse this element of the overall proposal on the basis that the original form of aluminium frames should be installed instead. The design of the frames would be the same as at present and the profile of the new double glazed windows would not be so apparent that this would fail to preserve the character or appearance of these features as seen within this part of the conservation area.
 13. The SPD says that external doors are a defining feature of a building. The use of poorly designed or low quality external doors can significantly affect the appearance of buildings. High quality, secure doors made from robust materials should be used at all times. The replacement of front doors on historic properties should be sensitive to the era of the property³.
 14. The Council contends that details have not been provided to ascertain the proposed material of the replacement front door. However, the application form indicates that the door would be timber, while its design is shown on a submitted drawing. There are a variety of types of front door across the individual buildings in Glebe Court and it is unclear, therefore, whether there was originally any uniformity to this feature. The doors to Nos 20 and 21 on the lower and upper floors of the same building can be seen together, but they are not of consistent design or appearance. Consequently, the change of door proposed, of traditional design and material, would not be incongruous or otherwise harmful in this setting.

² Paragraph 6.1.4.

³ Paragraphs 6.2.1 – 6.2.3.

15. Therefore, for the above reasons, I find that the installed roof windows fail to preserve the character and appearance of the Blackheath Conservation Area, although the proposed replacement windows and door would do so. 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 conservation⁴. Based on the above findings, I consider the harm from the roof windows to be less than substantial in this instance, but nevertheless of considerable importance and weight.
16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal⁵. However, in this case the installation of these features relates to a private rather than a public benefit in terms of the property's occupation and use. Therefore, this is not sufficient basis to outweigh the harm that has been identified.
17. Accordingly, for the reasons given, I conclude that the roof windows do not preserve the character or appearance of the Blackheath Conservation Area. Consequently, this element of the proposal is contrary to Policies 15 and 16 of the Core Strategy, to DM Policies 30, 31 and 36 of the DMLP, and to the SPD, as described above. It is also contrary to section 16 of the Framework. The proposed replacement windows and door would, however, preserve the character and appearance of the conservation area and so there is no conflict with the same development plan policies or the Framework in this regard.
18. In reaching this conclusion I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area⁶. I note that no objections were made by interested parties, but this fact does not alter the basis for the findings and conclusion with regard to the roof windows.

Conclusion

19. As the installed roof windows, replacement windows and replacement door are all independent of and physically separate from each other it is possible in this case to make a split decision with regard to the different elements of the overall proposal. Therefore, for the above reasons, the appeal succeeds in respect of the replacement of windows and replacement of the front door, but fails in respect of the installation of roof windows.
20. I am not aware that the Council has suggested any conditions in the event of the appeal's success. Consequently, I have imposed the standard implementation conditions concerning timescale and development taking place in accordance with the relevant approved drawings.

J Bell-Williamson

INSPECTOR

⁴ Paragraph 193.

⁵ Paragraph 196.

⁶ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.