The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/B5480/D/21/3274529
27 Heath Drive, Romford, RM2 5QJ

- 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 Jimmy Singh against the decision of London Borough of Havering.
- The application Ref P1957.20, dated 24 December 2020, was refused by notice dated 25 February 2021.
- The development proposed is retrospective application for replacement windows.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the decision notice is slightly different to that on the application form. I have adopted the former as it more accurately describes the appeal proposal.

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework. Some of the paragraph numbering in the revised Framework has changed from that in the February 2019 version and where this is relevant, I have highlighted it in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal property and surrounding area, with particular regard to the sites location within the Gidea Park Conservation Area.

Reasons

5. The appeal site lies within the Gidea Park Conservation Area (GPCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. A similar policy is to be found in the revised Framework as well as in policy DC68 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008) (HCS). The latter reaffirms that new development will only

be granted in Conservation Areas where the proposal preserves or enhances the character or appearance of the area.

6. The GPCA designation is supported by the Gidea Park Conservation Area Character Appraisal and Management Proposals (Appraisal). Within the latter, the appeal property is identified as a '*Building making a positive contribution to the area*' and is also included under the reference to '*Later houses by exhibition architects (1912 – 1928)*'.

7. The appeal site is also the subject of a 2015 Article 4 Direction, which applies to various parts of the GPCA. This has removed certain permitted development rights including those in Schedule 2, Part 1 and Class A to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. The Appraisal states that the GPCA has a unique character that largely arises from the number of significant and important houses designed by well known Arts & Crafts architects of the early 20th Century. These include 'exhibition' houses, such as the appeal property. The Appraisal further states that part of the special interest of the GPCA arises from the different design and detailing of the houses, the fact that no two houses are exactly the same, as well as the fact that a number of houses remain well preserved. The Appraisal continues by stating that whilst the 'exhibition' houses are different "*most have elements of a common vocabulary of vernacular details and materials*", a notable characteristic of which are their window designs, detailing and materials. Based on my observations on site, the Appraisal provides an accurate analysis of the architectural and historic qualities of the 'exhibition' and other houses that contribute to the unique character of the GPCA.

9. The appeal site occupies a prominent corner position on Heath Drive. The appeal property is well preserved in that it retains much of its original detailing and design features, which, due to its location, are highly visible within the public domain. As highlighted by the Council, the prominence of the appeal property makes it highly sensitive to change. This is accentuated by the fact that the appeal property is designated, within the Appraisal, as a building that makes a positive contribution to the Conservation Area.

10. All of the above factors contribute, in my judgement, to the significance of the GPCA as a whole.

11. The appeal proposal is for the replacement of 15 windows, which have already been installed and for which retrospective planning permission is, therefore, sought. The Appellant's submission includes sketches and photographs that allow some comparison to be made between the newly installed windows and the originals. However, whilst there is disagreement between the parties over the condition of the original windows, as they have been removed, this is not a matter that I can reach any firm findings on. In addition, I can, of course, only consider the proposal that is before me, which is to retain the replacement windows.

12. Even so, the Appellant's submission includes photographs showing the condition of some of the original windows, an email from a joinery company stating that the original windows were not fit for purpose and beyond repair, as well as reference to other quotes obtained to repair the windows. However, no details of the latter have been provided and the evidence that is available on

this issue is not, in my view, convincing or conclusive. For example, there is no detailed assessment of the condition of all the 15 windows that have been removed, whether they were all beyond repair or what detailed options were considered in terms of their potential repair and upgrading to address issues such as energy efficiency, security and insurance.

13. Within the above context, whilst I accept that the properties within the GPCA differ in terms of their design and appearance, a constant theme throughout the area is the high quality of the window design, detailing and materials. As I observed on site from viewing those properties that have retained their original windows, there is no doubt that the design, materials and craftmanship of these original windows makes a significant contribution to the character and special interest of the GPCA. This is reflected in the Article 4 Direction, which, as the Council states, was imposed to control and manage permitted development changes, such as replacement windows, that could, if allowed to continue, harm the Conservation Area and undermine its important heritage value.

14. The original timber and steel leaded light windows would have been an important and integral feature of the aesthetic quality of the appeal property, and the positive contribution that it makes to the GPCA. As the Council have indicated, the original windows were well crafted and the individual panes, which made up each window, were imperfectly designed resulting in a rippled affect, adding further to their character. In contrast, the replacement windows do not, in my judgement, match the originals either in terms of their quality, appearance, workmanship or the contribution they make to the arts and craft character of the Gidea Park estate. The new windows are timber and aluminium double glazed units with surface mounted lead, resulting in a flat and modern appearance. The surface applied lead is reflected in the rear pane of the double glazing, and the lead itself appears new and too uniform. A number of the windows do not include the original exposed hinges, shown in images 6 and 7 of the Appellant's Statement, a further positive detail of the original design.

15. Given the above, I concur with the Council that the replacement windows are materially different to the character, design and detailing of the original windows. The original bespoke hand crafted window units have been replaced by windows that are different in a number of respects, resulting in an appearance that, overall, appears too standardised and manufactured. In my judgement, the differences are such that the replacement windows result in significant harm to the character and appearance of the appeal property, its designation as a building that makes a positive contribution to the area and to the GPCA as a whole.

16. The Appellant contends that they have sought to deliver a design and level of detail that matches the originals. For the reasons set out above, I do not agree. Whilst I note the Appellants reference to the energy efficiency and improved security of the new windows, those factors do not affect the findings I have reached. Similarly, the fact that neighbours have not objected to the application, does not affect my findings in this respect.

17. Reference has been made to other replacement windows in the area, but I have not been provided with any planning background to other cases that may exist and it is not possible for me, therefore, to determine whether they are

comparable or relevant to the appeal proposal or pre-date the Article 4 Direction. Even so, I can only consider the proposal that is before me and determine it on its individual merits having regard to the particular circumstances of the case.

18. For the reasons set out above, I find that the appeal proposal would result in significant harm to the character and appearance of the appeal property and the surrounding area, and as such it would not preserve nor enhance the GPCA.

19. Given the above findings and as is required, particularly by the paragraph 199 of the Framework (previously paragraph 193), considerable importance and weight must be attached to the harm to the designated heritage assets. With regard to paragraph 202 of the Framework (previously paragraph 196), the appeal proposal would, in my judgement, lead to less than substantial harm to the significance of the designated heritage assets. The level of harm would be high, and there are no public benefits, delivering either economic or social or environmental objectives, that would outweigh that harm.

20. Accordingly, I find that the proposed development would be contrary to paragraphs 189, 197, 199 – 200 and 202 of the Framework (previously paragraphs 184, 192 – 194 and 196) and policies DC61 and DC68 of the HCS.

Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, the appeal proposal would be in conflict with the relevant policies of the HCS and the Framework, and there are no material considerations that justify making a decision other than in accordance with the development plan.

22. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR