



Appeal Decision

Site visit made on 22 June 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2021

Appeal Ref: APP/A5270/W/20/3253497

35 Campbell Road, Hanwell, Ealing, London W7 3EB

- 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 Kiran Gulati against the decision of the Council of the London Borough of Ealing.
 - The application Ref 190517FUL, dated 31 January 2019, was refused by notice dated 3 December 2019.
 - The development is alterations including the amalgamation of the ex cellar into a flat area and the inclusion of two light wells to enlarge the existing flat.
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Decision

1. The appeal is allowed and planning permission is granted for alterations including the amalgamation of the ex cellar into a flat area and the inclusion of two light wells to enlarge the existing flat at 35 Campbell Road, Hanwell, Ealing, London W7 3EB in accordance with the terms of the application, Ref 190517FUL, dated 31 January 2019, and the plans submitted with it, subject to the following condition:

- (1) Within 2 months of the date of this decision, details of the ground floor uPVC sash windows on the front and side elevations of 35 Campbell Road, as identified on Drg. No. 0467_00_W101ab on planning permission local authority reference 181665FUL, shall be submitted to the local planning authority. Such details shall include typical cross-section at a scale of 1:5 of the new windows to be used. The construction of the new windows shall be carried out and completed in accordance with the approved details and within three months of the date of the written approval of such details.

In the event of a legal challenge to this decision the operation of the time limits specified in this condition will be suspended until the legal challenge has been finally determined.

Procedural Matters

2. The flat has living space at ground floor and basement, shown as a cellar on a previous planning permission. The flat also two light wells, one by the side and one at the front, and replacement uPVC windows. The scheme put forward for planning permission has been built. The word 'retention' is omitted from the original application description because it does not describe the physical nature of the development.

3. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and LP Policies D6 and HC1 are relevant now instead of previous LP policies. On 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. The comments of main parties have been considered in this decision where parties have chosen to submit correspondence on this matter.
4. Without prejudice to the merits of the proposal, main parties have been asked for comments on the feasibility of a planning condition requiring replacement windows of different design if there is an adverse effect on the character and appearance of the Conservation Area.

Main Issues

5. The main issues are the (a) whether the scheme preserves or enhances the character or appearance of the Hanwell Village Green Conservation Area and (b) the effects on the development on the living conditions of residents, having regard to light and outlook.

Reasons

Character and appearance

6. The flat occupies a corner site on Campbell Road where it bends at a right angle, and is diagonally opposite a forecourt area, comprising mainly vehicular parking, and Hanwell train station. The surrounding area comprises modest sized dwellings of tradition design, mainly between two and three storeys. Dwellings are set back from the road, with small gardens in front with landscaping. The site and surrounding area are within the Hanwell Village Green Conservation Area (CA).
7. The Hanwell Village Green Conservation Area Character Appraisal (CACA) 2008 details late 19th century development and a regimented layout of streets close to the station, provided as part of a 'planned' development. Additionally, there are more informal designed and shaped roads around Hanwell Green, a small triangular area of grass. The CACA details a suite of attractive architectural building details, such as steeply pitched roofs with decorative ridge tiles, finials and barge boards, chimneys, prominent gables often with brick or timber detailing, square and canted bays often two storey, decorative porches, timber doors with glazed panels and traditional timber sash or casement windows. Photos of the ground floor of the flat at 35 Campbell Road show original sliding sash windows, with the top half multi glass paned, and recessed.
8. Within the Conservation Area, many original dwellings have been altered and extended, including at 4 Golden Manor. However, the original properties that remain and even some that have been altered, still retain traditional designed windows and these stand out as attractive and defining architectural features due to their quality in terms of detail. These architectural and historic qualities are of significance and value, and of special interest to the Conservation Area. Therefore, the original ground floor windows on the front and side elevations of this building would have contributed to the qualities and significance of the Conservation Area.
9. The replacement uPVC windows fail to sympathetically relate to this because they lack the subtleties of the original traditional windows. They are positioned

with little or no recessing from the surrounding brick elevations, top hung with horizontal and vertical bars between the double glazing, and in profile, quite flat lacking the detail of the traditional windows. Some of these differences appear minor and only evident on closer inspection. However, they give an overall impression of windows being undistinctive and modern on a prominent and older traditional building within the Conservation Area. Window design is of major importance to this heritage asset's quality and significance. Consequently, the windows fail to preserve the character and appearance of the Conservation Area by virtue of their design. The lightwells do not harm the character and appearance of the Conservation Area by virtue of their discrete position.

10. In accordance with the Framework, the type of harm identified above with the windows is less than substantial and it is necessary that this identified harm is weighed against the public benefits of the scheme. The proposal boosts housing supply through the addition of a 3 bed/5 person flat and the local economy through its construction and financial spend of the occupants. The upgrading of the existing windows provides greater thermal efficiency and reduces heat loss helping with reducing climate change.
11. However, the benefits also have to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is required to be attached. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The site is at a prominent corner near the station, a key building within the Conservation Area. Furthermore, the housing supply and economy benefits are small for a development of this nature and other windows schemes, achieving similar climate change benefits and better design, have not been explored. Thus, the harm to the significance of the Conservation Area does outweigh the scheme's benefits.
12. For all these reasons, the replacement windows fail to conserve or be sympathetic to the heritage asset's significance and appreciation within its surroundings. It fails to conserve the character and appearance of the Conservation Area. Accordingly, the scheme conflicts with Policies 7.4 and 7C of the Ealing Development Management Development Plan Document (DPD) 2013 and Policy HC1 of the LP. It is also be contrary to the Hanwell Village Green Conservation Area Management Plan (2008) that states that plastic window frames and doors are not felt to be able to replicate the quality and appearance of original timber windows.

Living conditions

13. The flat layout has three bedrooms and a bathroom at ground floor level only and a living space, another living space/gym, storage spaces, a kitchen and a bathroom at basement level.
14. Policy 7B of the DPD 2013 states that new development must achieve a high standard of amenity for users and for adjacent users by ensuring good levels of daylight, sunlight and privacy, coherent development of the site, positive visual impact, legibility and accessibility. DPD Policy 3.5 states space standards will apply as minimum requirements for residential development in Ealing and should be implemented according to the detailed provisions of the LP.

15. The size of the flat complies with the internal space standards contained within DPD Policy 3.5 and LP Policy D6. Within the L-shaped footprint of the lower basement, there is a lounge with dining room behind served by a combination of extensive glazed window and a smaller window. This fenestration is mirrored for a lounge/gym on another face of the building. Both living areas are open plan. Such glazing and internal design ensures good levels of light and outlook for those parts of the flat closest to the building's exterior.
16. There is less opportunity for light to reach the dining room, adjacent kitchen and the rear of the lounge/gym in both spaces. However, there are lightwells in parts of the lower basement providing light and given the spacious and open nature of the living area, there is opportunity for residents to move closer to the extensive window glazing for natural light and outlook if required.
17. For all these reasons, the living conditions of the occupiers of the flat are not harmed, by reason of the adverse loss of light and outlook. The scheme complies with Policies 3.5 and 7B of the DPD and Policy D6 of the LP. Under the Framework, there is a high standard of amenity for the users of the basement.

Other matters

18. The scheme is a resubmission following an earlier planning permission granted in June 2018 which permitted the replacement of all existing single glazed timber windows with uPVC double glazed windows. There was no planning condition requiring details of the replacement windows. However, the approved plans for front and side elevation showed the replacement sash windows would be uPVC on a 'like for like' basis. Comparison of the permitted scheme with that now built shows that there are significant and material differences because the windows have not been built on a 'like for like' basis, for instance, there is no sash or recessed qualities to the constructed windows. Therefore, the fallback position provides no justification for the current appeal scheme and attracts limited weight.
19. The previous planning permission showed the main entrance to be retained and refurbished as the main entrance. It has now been replaced with a modern door in a traditional style which has a neutral effect on the qualities of the Conservation Area.

Planning balance

20. There is harm to the character and appearance of the Conservation Area in conflict with DPD and LP policies and the development plan taken as a whole. The scheme conflicts with heritage policies of the Framework. The permitted fallback position relating to the approved windows attracts limited weight. In conclusion, there are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
21. However, national policy indicates conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. Parties have been consulted on the use of a planning condition securing the implementation of suitably designed windows. The issue of appropriate windows is a specific problem and matter of detail and the previous permission has established the acceptability

of uPVC windows of a traditional nature on the front and side elevations. To ensure reasonable implementation, details would be required to be carried out within a period of 3 months following their approval by the local planning authority.

22. Given the retrospective nature of the development, no further conditions would be required. With a planning condition ensuring suitable window designs, the development would comply with the local plan policies and the development plan itself, and there would be no material considerations to outweigh that finding. The scheme preserves the character and appearance of the Conservation Area and does not harm the significance of the heritage asset, with the condition imposed.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed as detailed in this decision.

Jonathon Parsons

INSPECTOR