
Appeal Decision

Site visit made on 9 November 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/U5360/W/21/3275494

84 Farleigh Road, Hackney, London N16 7TQ

- 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 Andres Fairweather against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3234, dated 28 October 2020, was refused by notice dated 11 May 2021.
 - The development proposed is replacement of existing single glazed timber framed windows and doors with new double glazed slimline uPVC framed windows and doors.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing single glazed timber framed windows and doors with new double glazed slimline uPVC framed windows and doors at 84 Farleigh Road, Hackney, London, N16 7TQ in accordance with the terms of the application Ref 2020/3234, dated 28 October 2020 and subject to the following conditions.
 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 2. The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.
 3. Samples and/or drawings (at a scale not exceeding 1:20) of the windows and doors shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out as approved unless otherwise agreed in writing with the Local Planning Authority. The window details shall include the frame profile, decorative elements (including horns, which shall be integral to the window) and any trickle vents and the method of opening.

Procedural Matter

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises the Hackney Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.

Main Issue

3. The main issue is the effect on the character and appearance of the building and the surroundings.

Reasons

4. The surroundings are residential in character, with properties predominantly of Victorian origin. Buildings exhibit features that are consistent with Victorian mass housing, such as bay windows and exposed stock brickwork. Notwithstanding later additions, such as porches, satellite dishes, and alterations to front gardens, there is a general consistency of appearance that positively contributes to and reinforces the character of the area. Notwithstanding the areas lack of a designation relating to historic assets, the age and traditional appearance of the buildings is a positive aspect of general character.
5. I noted from my site visit the degree of variety in terms of appearance and materials of windows and doors along the street, although timber is generally most prevalent. I do not have substantive evidence on the circumstances relating to the replacement of all windows and doors. However later changes in materials and appearance must be acknowledged as forming part of the physical pattern of development in the area.
6. Where poor quality windows detract from the character of the area, this tends to be because they deviate from the prevailing pattern of sash windows or where the frame profile is clearly unsuitable for the building.
7. The Appellant's evidence indicates that the proposed windows and doors would be designed to closely match the existing in terms of appearance. Approval of detailed drawings and/or samples could be the subject of a condition to provide reassurance regarding the profile and other detailing and to ensure that any increase in frame width in order to accommodate the double glazing is kept to a minimum, and to generally provide a satisfactory standard of external appearance. Such a condition would need to be a pre-commencement condition to ensure that the necessary level of certainty is provided upfront.

8. The use of UPVC materials, rather than timber, would not be easily perceived when viewed from the street. This is due primarily to the intervening distance from the pavement provided by the front garden. This is subject to use of a material that would not appear unduly glossy. This matter could be controlled using the condition described above.
9. Considering all the evidence, it has not been demonstrated that the proposal would introduce a form of development that would be detrimental to the character of the area. The Council refer to necessity in their officer report, which is not a relevant consideration in this instance.
10. Whilst not substantively referred to in the Council's evidence, I have paid regard to the guidance offered in the Hackney alterations and extensions Supplementary Planning Document. I note the guidance expresses a preference for timber materials. This has been considered, but not followed for the reasoning explained above.
11. In conclusion, the proposal would not have a harmful effect on the character and appearance of the building or the surroundings. Consequently, there is no conflict with policies in the development plan for the area, in particular Policy D4 of the London Plan and Policy LP1 of the Local Plan in relation to design quality.

Conclusion

12. For the above reasons the appeal is allowed.

D.R. McCreery

INSPECTOR