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# Appeal Decision

Site visit made on 13 December 2021

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 December 2021**

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**Appeal Ref: APP/E5330/W/21/3273521**

**13A Moira Road, Eltham, London SE9 1SJ**

- 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 Miss Gemma Rees against the decision of Royal Borough of Greenwich.
  - The application Ref 20/3058/HD, dated 10 December 2020, was refused by notice dated 9 February 2021.
  - The development proposed is described as replacement UPVC windows throughout to include Georgian bars in any street-facing windows.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Appended to the appellant's appeal statement are additional window specification details<sup>1</sup>. As these additional details would appear not to evolve the scheme, I am content to accept them for information purposes.
3. Since the determination of the planning application that is now the subject of this appeal, a new London Plan was published in March 2021. Due to the limited implications for the determination of this appeal, I have not considered it necessary to specifically seek the respective views of the main parties. In any event, the appeal was submitted after the publication date, meaning that the appellant had an opportunity to raise observations upon any relevance of this.

## Main Issue

4. Whether or not the proposal would preserve or enhance the character or appearance of the Progress Estate Conservation Area (the CA).

## Reasons

5. The significance of the CA as a designated heritage asset is drawn in part from its Garden Suburb origins, its regular layout and its abundance of green spaces. This significance is further defined by cottage style architecture and a predominance of traditional materials. The CA's significance continues to be readily identifiable despite various modern alterations that have taken place within it. Moreover, whilst replacement plastic windows are commonplace, their framing and glazing bar positions tend to be respectful of the proportions and designs of originally installed side-hung timber casement openings.

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<sup>1</sup> Ref: ref gemma/Gemma extra, Printed/Processed 19 April 2021

6. Whilst flat occupiers do not benefit from householder permitted development rights, it is relevant to note that an Article 4 Direction is in place. This removes permitted development rights with respect to a range of domestic alterations (including the installation or replacement of windows to front/flank elevations) and serves to highlight the additional controls and associated sensitivities that apply within the CA. Indeed, as set out in the Progress Estate Article 4 Direction Guidance Note (October 1998) (the Guidance Note), the architectural unity of the houses on the estate contributes to its distinctive character whilst variations, even small ones, can easily destroy the visual qualities of the CA.
7. The appeal property (No 13A) is a first floor flat that comprises part of a well-balanced block of four flatted properties (the block). The block, at least where readily visible from the public realm, is universally served by non-original windows. This most visibly applies to the principal street-facing elevation, where openings follow a distinct and orderly pattern and are comprised of consistently sized six-light panes surrounded by frames of similar visible width.
8. That said, the precise composition of No 13A's windows differ when compared to the windows in place elsewhere to the block's principal elevation. Moreover, the other openings are plastic with externally applied glazing bars whilst, to No 13A, a mixture of timber (to surrounds), aluminium and plastic materials are in place. Furthermore, glazing bars are fitted integrally as opposed to being set external to the glass. The proposal's acceptability must be considered from this starting point, in acknowledgement that previous replacement window installations at No 13A have not contributed entirely positively to either the block's external appearance or the wider CA's heritage significance.
9. However, whilst it has been suggested that like-for-like replacements are proposed, the new lounge window to the front elevation would be comprised of four separate panes, not five (as is presently the case). Furthermore, when openable and non-openable elements are compared, frame sightlines would alter noticeably. In the context of the orderly and consistent manner in which the block's principal elevation is presently comprised, the newly intended lounge window, even though to be made from white plastic throughout and to incorporate glazing bars, would appear as an incongruous addition.
10. To a lesser degree, the proposed street-facing front bedroom window would also have a negative effect. This is due to the inconsistent width of its frames. Indeed, noticeable variances, that do not currently apply, would exist when the surrounds of each proposed pane are compared. This would sit at odds with the high degree of uniformity (most particularly in terms of available window frame sightlines) that currently exists to the block's principal elevation.
11. As experienced upon inspection, unsympathetic window replacements have taken place local to the site. For example, I witnessed windows without glazing bars as well as openable elements that were not side hung. Nevertheless, such instances were limited in number and did not significantly detract from the CA's visual qualities when considered in overall terms. Moreover, it is the well-ordered composition of the block itself that is of greatest relevance to my considerations here.
12. The window replacements proposed to the flank and rear of the property do not raise undue concerns in a conservation sense. This is not least due to their limited visibility from publicly accessible vantage points and the single-pane nature of the replacement flank window intended for the front bedroom.

13. However, for the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CA and would lead to less than substantial harm being caused to its heritage significance. As set out in the National Planning Policy Framework (July 2021), any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.
14. It is my understanding that the appeal property's existing windows are poor functioning and in need of replacement. Indeed, it is reasonable to presume that the intended installations would better combat draughts/water ingress and promote security improvements. Nevertheless, given that merely a single existing flat is under consideration, any public benefits brought about by improvements made to the local housing stock would attract limited weight insufficient to outweigh the harm that would be caused to the CA.
15. The scheme conflicts with Policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014), the Progress Estate Conservation Area Management Strategy (December 2007), the Progress Estate Conservation Area Character Appraisal (December 2007), the Guidance Note and the Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (December 2018) in so far as these policies and guidance set out that planning permission will only be granted for proposals which pay special attention to preserving or enhancing the character or appearance of conservation areas.
16. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

### **Conclusion**

17. For the above reasons, the appeal is dismissed.

*Andrew Smith*

INSPECTOR