



Appeal Decision

Site visit made on 2 March 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022.

Appeal Ref: APP/H5390/W/21/3283066

88 Ormiston Grove, London W12 0JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Daniel McKay against London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00308/FUL, is dated 1 March 2021.
 - The development proposed is described as "Replacing current old single glazed sash windows with uPVC double glazed sash windows. Replacing single glazed timber rear doors with double glazed uPVC doors".
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Decision

1. The appeal is allowed and planning permission is granted for replacing current old single glazed sash windows with uPVC double glazed sash windows and replacing single glazed timber rear doors with double glazed uPVC doors, at 88 Ormiston Grove, London W12 0JS, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out, and thereafter retained, in full accordance with the following drawings and details:
 - Proposed window elevations reference P-002 revision A
 - Window surveyor visit report reference DS217 and SU1826BA
 - 3) Any works necessary to make good the existing elevations shall be carried out in materials to match the elevation to which the works relate.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, the Council provided an appeal statement which sets out the reasons why planning permission would have been refused, had the jurisdiction to determine the application remained with the Council. I have had regard to the Council's appeal statement in setting out the main issue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal site contains a two storey mid terrace dwelling. It is not within a Conservation Area or subject to an Article 4 direction. It appears that 88 Ormiston Grove occupies the ground floor, with a separate dwelling, with a separate front entrance, occupying the first floor.
5. This section of Ormiston Grove contains two storey terraced dwellings of a traditional design. The dwellings are constructed in brick, with brick arches and stone detailing around the windows. The dwellings also feature ornate bargeboards to the front gable and an ornate central pillar to a covered porch area. The majority of the dwellings have retained these features, which gives the street a distinctive character and a relatively high level of design consistency.
6. The uniformity of the street has been eroded to some extent over time, by a mixture of roof materials, the painting of some of the brick frontages, and a variety of replacement windows. The original windows in the street appear to have been wooden sash windows, with the top sash divided into 4 sections at the top and 2 beneath, with the horizontal glazing bars forming shallow arches above each section. A significant proportion of these original windows have been replaced and the street has both sash and casement windows, with a mixture of designs and openings, in uPVC, aluminium and wood. These replacement windows may not benefit from planning permission, and their existence does not justify unsuitable replacements elsewhere. Nonetheless, they form the context within which the appeal site is viewed.
7. The appeal dwelling has retained the original features of the dwelling, including the wooden sash windows, and it both reflects and contributes positively to the character and appearance of the area. The proposal would replace all of the ground floor windows, and two doors in the rear elevation. The side and rear elevations are to the back of the property and are not visible from public vantage points. Consequently, they would have no adverse impact on the character and appearance of the dwelling or the surrounding area.
8. The proposal would replace the two single glazed wooden ground floor front windows with double glazed uPVC sash windows. I acknowledge that there are inherent visual differences between double and single glazing, and wooden and uPVC windows, and the proposed replacements would not replicate all of the existing details. However, the site would retain the main building features and detailing and the general window proportions which are predominantly what gives the street its architectural character. Whilst the window materials would change and the frames are thicker, the proposed replacement windows would match the type, size, method of opening and subdivision of the existing windows. The proposal would be viewed in the context of its adjoining neighbours, both of which have replacement windows, in uPVC and aluminium, with a variety of openings and detailing.
9. The replacement windows would be better able to retain heat. This would have the benefit of reducing heating costs and would use energy more efficiently. The reduction in energy use is a material consideration to which I attach moderate weight.
10. I conclude that the proposal would not cause unacceptable harm to the character and appearance of the host dwelling or the surrounding area. Any

limited detrimental impact would be acceptable and would, in any event, be outweighed by the greater energy efficiency that would be achieved. Consequently, the development would comply with Policies DC1, DC4 and DC6 of the Hammersmith and Fulham Local Plan 2018, which together, amongst other things, seek to ensure that alterations, including replacement windows, respect the surrounding context and character. Furthermore, it would accord with the National Planning Policy Framework which seeks to secure well designed places and meet the challenge of climate change.

Other Matters

11. The Council made reference to another appeal, which I have considered. However, the appeal related to an enforcement notice for uPVC triple glazing at a site visible from two conservation areas, where adjoining buildings retained the original windows. Hence the site, the context and the windows are not directly comparable to this appeal.

Conditions

12. The Council have suggested conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
13. It is necessary to specify the approved plans as this provides certainty. In the interest of the character and appearance of the area, a condition has been added to ensure that any works necessary to make good, match the existing elevations. The Council also suggested it was necessary to condition the window materials and colour, but this is already specified on the approved plans.

Conclusion

14. For the reasons given above and taking into account the development plan as a whole and all other matters raised, the appeal should be allowed.

Helen Davies

INSPECTOR