



Appeal Decision

Site visit made on 11 April 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2022

Appeal Ref: APP/A5270/D/21/3289206

58 The Avenue, West Ealing W13 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Luca Burini against the decision of the Council of the London Borough of Ealing.
 - The application Ref 216318VAR, dated 28 October 2021, was refused by notice dated 10 December 2021.
 - The application sought planning permission for 'single storey side/rear (wrap around) extension (following demolition of existing side/rear addition); rear dormer roof extension to rear outrigger roof slope; installation of one roof light to front roof slope; insertion of door at ground floor level and alteration of side fenestration' without complying with a condition attached to planning permission Ref 215026HH, dated 20 September 2021.
 - The condition in dispute is No 3 which states that: 'All external materials to be used in the development shall match the appearance of those of the existing building and shall be consistent with those listed within the submitted application form and the drawings/plans as listed in Condition (2). The materials used for the side wall of the proposed extension shall match those of the existing boundary wall. The proposed timber frames shall be white in colour'.
 - The reason given for the condition is: 'To ensure that the materials harmonise with the surroundings, in accordance with policies 7.4 & 7B of the Development Management DPD (2013), policies D3, D4 and HC1 of the London Plan (2021) and policies 1.1(g), 2.1 (c) and 2.10 of the adopted Core Strategy (2012)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the Conservation Area within which it sits.

Reasons

3. The appeal relates to a substantial semi-detached dwelling which enjoys a prominent position on the corner of The Avenue and Arlington Road. The dwellings within the row are of an attractive design, with large windows with a vertical emphasis sitting within feature gables which dominate their front elevations. The original traditional timber window frames are retained within the majority of the front elevations, whilst the side elevation of the host dwelling, which is readily visible from Arlington Road, contains a range of

traditional sash windows of various sizes. The original timber windows make a noticeable and positive contribution to the character and appearance of the traditional dwellings within The Avenue and the St Stephen's Conservation Area (CA) within which they sit.

4. Planning permission has been granted for the extension and alteration of the appeal dwelling. Condition number 3 of the planning permission requires, amongst other matters, that all new window frames shall be of a timber finish, painted white. The Appellant seeks to vary this condition to enable the replacement window frames to be finished in white PVC.
5. Within The Avenue, the original timber window frames of several houses have been replaced by uPVC units and I also note the installation of two uPVC frames at the appeal property. These replacement frames are very much the exception rather than the rule, but they are noticeable due to their thicker frames and their synthetic manufactured appearance. As a result, they detract from the traditional form and fenestrations of the dwellings within this part of The Avenue, which make an important contribution to the overall character and appearance of the CA. To this end, I note the Council's CA Management Plan explains that the quality of the CA can be damaged to a significant degree by the loss of historic details and identifies the replacement of existing traditional windows and doors with units of non-renewable materials as a specific concern.
6. The Appellant asserts that *'it would be virtually impossible to distinguish (the proposed PVC window frames) from the traditional timber frame sash unit'* and I am mindful that the suggested window frame specification may not be exactly the same as those already installed at properties within the Avenue. Nevertheless, even if the thickness of the PVC frame is similar to the original timber frames and the replacement timber frames, the frame itself has a synthetic appearance which does not entirely replicate the finesse and integrity of appropriately crafted hand painted joinery. To my mind, the difference would be noticeable if installed.
7. On the basis of the information available to me, I therefore consider that the removal or variation of the condition imposed on the original planning permission to facilitate the installation of the proposed PVC window frames rather than traditional timber frames would result in harm to the character and appearance of the host dwelling and the CA within which it sits. In this regard, I find the proposal in conflict with policies D3, D4 and HC1 of the London Plan 2021 and policies 7.4 and 7B of the adopted Ealing Development Management Development Plan Document, which collectively promote high quality design that is appropriate to its context and also seek to preserve or enhance heritage assets.
8. The harm to the heritage asset would be 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
9. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm

to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal

10. The Appellant has not suggested that the proposal offers any public benefits but asserts that the PVC frames would be more durable, would require less maintenance and would be more thermally efficient than timber frames. These points are not disputed, but they do not outweigh the visual harm to the CA that would be caused.

Overall Conclusion

11. I conclude that the removal or variation of condition number 3 of the original planning permission to facilitate the use of the PVC window frames proposed rather than traditional timber window frames would harm the character and appearance of the host dwelling and the CA within which it sits.
12. The arguments advanced by the Appellant in favour of the installation of PVC frames do not outweigh this harm and the associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR