
Appeal Decision

Site visit made on 31 May 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Appeal Ref: APP/N5660/D/21/3288658
110 Endymion Road, London, SW2 2BP

- 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 Tom Newton against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/03391/FUL, dated 24 August 2021, was refused by notice dated 3 December 2021.
 - The development proposed is Replacement of 4 single glazed timber sash windows and 1 casement window with 5 double glazed sash windows to the front and rear. Replacement of 1 double glazed timber French doors with 1 double painted aluminium bi-fold doors to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for Replacement of 4 single glazed timber sash windows and 1 casement window with 5 double glazed sash windows to the front and rear. Replacement of 1 double glazed timber French doors with 1 double painted aluminium bi-fold doors to the rear at 110 Endymion Road, London, SW2 2BP in accordance with the terms of the application, Ref 21/03391/FUL, dated 24 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01; 02 rev C; 03, 04, 05 rev A; 06 rev A; 07 rev A; and 08 rev A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the approved plans.

Application for costs

2. An application for costs was made by Mr Tom Newton against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and terrace row and on the Rush Common and Brixton Hill Conservation Area.

Reasons

4. The appeal property is a mid-terrace two storey dwelling (with loft accommodation) located within the Rush Common and Brixton Hill Conservation Area (CA). It is a linear conservation area which includes much of Brixton Hill and the surrounding area. The area is characterised by layers of development from different historical periods and the stages of development have resulted in three very distinct areas within the CA. The appeal property lies to the east of Rush Common, in an area comprising of attractive Victorian terraced housing. The buildings are mainly comprised of stock brick with orange-red brick used as a dressing material contrasting with white sash windows.
5. The appeal proposal is for the replacement of 4 single glazed timber sash windows and 1 casement window with 5 double glazed timber sash windows of the same size and proportions. The existing non-original double glazed timber French doors would also be replaced with painted aluminium bi-fold doors.
6. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is of considerable importance and weight. Paragraph 197 of the Framework states, amongst other things, that the desirability of new development making a positive contribution to local character and distinctiveness should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
7. The Council raise no objection in principle to the proposed timber double glazed sash windows, including the sash window which would replace the existing casement window on the rear elevation. Furthermore, no objection is raised to the replacement aluminium bi-fold doors on the rear elevation. The main area of concern is in relation to the use of applied, rather than integral, glazing bars.
8. The Building Alterations and Extensions Supplementary Planning Document (2015) (SPD) states at paragraph 2.7 that in order to protect the character of the building, any replacement windows should replicate the appearance, detailing and opening type of the originals. It also advises at paragraph 2.8 that replacement windows should comply with a list of criteria, including to *'replicate frame dimensions and detailing as closely as possible. 'Stick-on' or non-integral glazing bars should be avoided – they are a poor substitute for authentic glazing bars and can loosen and fall off.'*
9. Whilst the SPD is non-statutory it does nonetheless provide useful design guidance in respect of various types of alterations and extensions.
10. The original single glazed timber sash windows of many of the properties along Endymion Road have been replaced. The appellant has carried out a Window Survey to demonstrate that replacement windows are highly varied in terms of their design and use of materials; including UPVC windows with both cavity glazing bars and applied glazing bars and timber double glazed windows with applied glazing bars. According to the survey, only two properties display timber double glazed windows with integral glazing bars as recommended by the Council. Whilst I do not have any substantive evidence confirming whether planning permission was granted for the various examples of replacement

windows, or whether any of these have been the subject of enforcement action, it is clear that there is a variety of window types and materials within the CA.

11. Whilst double glazed timber windows inevitably have a slightly different appearance to traditional single glazing, the replacement windows would fit neatly into existing openings and would follow the original style of opening, replicating frame dimensions and detailing as closely as possible. The proposal would therefore comply with the advice within the SPD in this regard. The advice within the SPD that glazing should generally have a treatment externally which accurately reproduces a traditional putty finish would be achieved by the 'putty shaped' profile of the proposed applied glazing bars.
12. Furthermore, I observed at my site visit that the examples of timber glazed replacement sash windows with applied glazing bars cannot be easily differentiated from those with integral glazing bars. Within the varied context of the CA, it is my view that the proposed replacement windows would be of an acceptable design and appearance which would preserve the character and appearance of the CA. Furthermore, I have no substantive evidence before me to suggest that the proposed specification of the windows, including the applied glazing bars, would not be of an enduring appearance.
13. Thus, in conclusion on this main issue, the proposal would not have a harmful effect on the character and appearance of the host dwelling or the terrace row and would preserve the Rush Common and Brixton Hill Conservation Area. Hence, the appeal proposal would satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and the design and heritage aims of Policies Q5, Q11 and Q22 of the Lambeth Local Plan (2021) (LLP).

Conditions

14. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition relating to the use of materials is necessary to protect the character and appearance of the dwelling and the CA.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR