



Appeal Decision

Site visit made on 21 February 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2023

Appeal Ref: APP/B5480/D/22/3310760

10 Crossways, Havering, Romford, RM2 6AA

- 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 Carly Stewart against the decision of the Council of the London Borough of Havering.
 - The application Ref P0426.22, dated 14 March 2022, was refused by notice dated 26 August 2022.
 - The development proposed is described as 'Replace UPVC windows to the entire top floor of the property as none of these windows complied with current building regulations i.e. means of escape and toughened glass where appropriate. The windows were in a state of disrepair and were suffering from water ingress. Top Floor 8 windows (3 bedrooms & 1 bathroom). Replace Timber-Frame six-part bay window & single window to front ground floor elevation – these windows were in an extremely bad state of repair i.e windows had been painted shut, mullions and transoms were rotten and the glazing was falling out which all constituted a health & safety risk for my young daughter. The windows that have been used for the new installation are a market leading product for use in listed buildings and conservation areas. Product details attached.'
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Decision

1. The appeal is allowed and planning permission is granted to Replace UPVC windows to the entire top floor of the property as none of these windows complied with current building regulations i.e. means of escape and toughened glass where appropriate. The windows were in a state of disrepair and were suffering from water ingress. Top Floor 8 windows (3 bedrooms & 1 bathroom). Replace Timber-Frame six-part bay window & single window to front ground floor elevation – these windows were in an extremely bad state of repair i.e windows had been painted shut, mullions and transoms were rotten and the glazing was falling out which all constituted a health & safety risk for my young daughter. The windows that have been used for the new installation are a market leading product for use in listed buildings and conservation areas. Product details attached at 10 Crossways, Havering, Romford, RM2 6AA in accordance with the terms of the application, Ref P0426.22, dated 14 March 2022, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Front Elevation and Front Side Elevation Plan; Rear Elevation Plan; Side Elevation Plan; National Grid Plan; Item 1; Item 2; Item 3; Item 4; Item 5; Item 6; Item 7; Item 8; Item 9, Item 10; Item 11; Item 12; Item 13; Item 14 and Item 15.

Preliminary Matter

2. The development has already been carried out and the proposal is therefore retrospective.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the Gidea Park Conservation Area.

Reasons

4. The appeal site is located within the Gidea Park Conservation Area (CA) which comprises a large part of the residential suburb of Gidea Park. The CA is based on garden suburb principles and features Exhibition Houses which were constructed as part of the 1910/11 House and Cottage Exhibition and a further competition and exhibition of Modern Homes in 1934.
5. The Council's Gidea Park Conservation Area Character Appraisal and Management Proposals document (Character Appraisal) describes the CA as a predominantly suburban residential area with a unique history and character, with distinct areas of different provenance and character. The appeal property is located in the area to the south of Main Road where the Character Appraisal confirms that there are fewer exhibition houses and the roads form a more regular grid with later infill of less unusual designs. This is reflected in the location of the appeal site within the lowest level of Article 4 direction control (Control level 1).
6. The appeal property is a semi-detached two storey dwelling which was constructed between 1912-1927 and did not therefore form part of the exhibitions. Nonetheless, it does retain much of its original built form and character and it reflects the garden suburb character of the CA. I therefore agree with the main parties that the dwelling is a neutral contributor to the CA.
7. The Surveyor's report supplied by the appellant confirms that the pre-existing windows were a combination of uPVC and timber joinery frames. Furthermore, it confirms that the timber joinery was in a state of disrepair and in need of replacement. A photograph of the front elevation of the dwelling as it previously existed shows that the windows were not of a uniform design in terms of their materials and frame dimensions, resulting in a rather 'mismatched' appearance.
8. In my view, the uPVC windows that have been installed fit neatly into the existing structural openings and importantly, appear of a quality that authentically replicates historic timber frames.
9. The appeal property adjoins 12 Crossways which has standard uPVC windows on its front elevation, in common with many other dwellings within this part of the CA. The white astragal bars on the replacement windows at the appeal property contrast with the leaded appearance of the windows on the adjoining dwelling. However, I am satisfied that the window design is one commonly found along Crossways and throughout the CA and that the relatively minor differences in appearance do not harm the appearance of the pair or diminish the dwelling's contribution to the character and appearance of the CA.

Moreover, I find that the uniform approach to the fenestration on the appeal property with heritage style windows throughout, would preserve its character and appearance and that of the CA.

10. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance and requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In the absence of harm to the CA's character and appearance, I conclude that the proposal has a neutral effect upon the significance of the heritage asset.
11. Accordingly, the proposal complies with Policies 26 and 28 of the Havering Local Plan (2016-2031) 2021 and Policy HC1 of the London Plan 2021 which require development to be of a high quality design which is informed by and respects the distinctive qualities of the area and to be sympathetic to the significance of heritage assets. The proposal also accords with para. 199 of the National Planning Policy Framework which gives great weight to the conservation of heritage assets.

Conditions

12. I have not attached the standard condition regarding the period for implementation since the development has already been carried out. I have included a condition specifying the approved plans in the interests of providing certainty.

Conclusion

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

J Davis

INSPECTOR