



Appeal Decision

Site visit made on 7 February 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/H5960/D/22/3308977

80 Putney Park Lane, London SW15 5HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Douglas Olizar against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5862, dated 29 December 2021, was refused by notice dated 22 July 2022.
 - The development proposed is described as "we would like to replace the windows. Our house has an "F" EPC rating. Replacing the windows will improve the energy efficiency of the house."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been completed and I was able to see it during my visit.
3. The appeal site is covered by an Article 4 Direction, which has the effect of requiring planning permission to be obtained for a range of alterations which would otherwise be covered by "permitted development" rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This includes windows on the front elevation of the property.
4. I note from the Council's delegated report that the rear elevation of the property is not covered by the Article 4 Direction. However, the appeal documents and Council's decision refer to replacement windows on both the front and rear elevations of the property. It is not the function of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) to determine whether development requires planning permission. As the appellant has applied to replace windows to both the front and rear elevations of the property, I have dealt with the appeal on this basis.

Main Issue

5. The main issue is whether the development would preserve or enhance the character or appearance of the Dover House Estate Conservation Area.

Reasons

6. The appeal property is a two storey house within a terrace of four properties, behind a boundary privet hedge. The frontage of the appeal site faces onto a tree lined avenue, which provides wider views of the terrace and surrounding

neighbouring properties. The terrace contributes towards the character and appearance of the conservation area.

7. The conservation area is comprised largely of residential 'cottage style' properties, laid out in pairs or terraces, set behind privet hedges and around green spaces with mature trees. This layout was influenced by the Garden City Movement. The design of each terrace has been carefully considered, with uniformity of design features, such as doors, windows and porches.
8. The Council's Dover House Estate Conservation Area Appraisal 2007 (CAA) highlights all houses in the first phase of the estate had metal casement windows, commonly known by the manufacturer's name 'Crittall'. Whilst other window designs were used in later phases, every window regardless of the material has glazing bars dividing the glass area into small 'cottage style' panes. The conservation area's significance, insofar as relevant to this case, is derived from the frontage detail of the properties, with specific regard to the windows.
9. Although the development has taken place, photos of the appeal property prior to the works being undertaken have been submitted. The previous windows were Crittall metal casement windows which, being an original feature of the wider estate, contributed to the significance of the conservation area.
10. The installed windows have noticeably thicker profiles, and the opening sections of the replacement windows stand proud of the surrounding frames. The windows therefore occupy a higher proportion of the window opening than those they replaced. Furthermore, the glazing bars are mounted internally. The replacement windows are in stark contrast to the slim Crittall windows they replaced and represent a detrimental change in appearance and result in a loss of character and harm to the designated heritage asset.
11. The appellant has highlighted that the installed windows, including internal glazing bars, maintain the uniformity of the associated terrace. I noted from my site visit that the properties within the same terrace as the appeal property do not have original windows. The Council also highlight properties in the wider area which may have replaced windows without planning permission.
12. I have limited evidence before me which confirms whether windows within the vicinity of the appeal site are unlawful or were installed prior to the Article 4 Direction coming into effect. In any event, I am required to determine this appeal on its own merits, and I consider that the presence of similar windows on other properties does not justify the additional harm to the character and appearance of the conservation area arising from these windows.
13. With regard to the windows on the rear elevation, the appeal property is sited close to the junction with Hawkesbury Road. There would be limited views of the windows and the overall symmetry and detailing of the terrace is less easily viewed. Overall, I consider that the replacement windows to the rear elevation do not cause harm to the character or appearance of the conservation area.
14. For the above reasons, I conclude the replacement windows to the front elevation of the property do not preserve or enhance the character or appearance of the Dover House Estate Conservation Area. This has led to harm to the significance of the heritage asset. The development does not comply with Policy HC1 of the London Plan, Policy IS3 of the Wandsworth Local Plan

Core Strategy 2016 (Core Strategy), Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document Adopted 2016 (DMPD), the Wandsworth Local Plan Supplementary Planning Document Housing Adopted 2016 (Housing SPD), the CAA or paragraphs 195, 197 and 200 of the National Planning Policy Framework (the Framework). Amongst other things, these policies require that development conserves and where appropriate enhances the significance, appearance and character of heritage assets.

15. As required by paragraph 199 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset is less than substantial.
16. Paragraph 202 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
17. The appellant has highlighted health, safety and energy efficiency reasons to justify the replacement windows. I understand that the previous windows were in bad condition, with a poor energy rating and were not lockable. I also note it was not possible to shut one window due to a broken frame. The poor energy efficiency of the windows also exacerbated health conditions for the occupiers and there was an urgency in which the appellant needed to replace the windows in the best interest of their children, which is a primary consideration in this appeal; no other issue is intrinsically more important.
18. I have limited evidence before me to demonstrate that the health, safety and energy efficiency concerns could not have been met through different options, with appropriately designed windows. In any event, this is a private rather than public benefit. As a result, and having taken account of the best interests of the children, there are no public benefits before me that would outweigh the identified harm to the conservation area.

Other Matters

19. The appellant attempted to seek approval from the Local Planning Authority prior to installing the windows and made a number of attempts to contact the Local Planning Authority for comments. Whilst these matters are noted, they do not affect the relevant planning considerations in this appeal.

Conclusion

20. For the above reasons and having considered all the policies drawn to my attention, the conflict with Policy HC1 of the London Plan, Policy IS3 of the Core Strategy, Policies DMS1 and DMS2 of the DMPD leads me to conclude that there is conflict with the development plan as a whole. There is also conflict with the Framework. Having taken account of all other matters raised, including in relation to public benefits and the best interests of the children, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR