



Appeal Decision

Site visit made on 24 July 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.08.2023

Appeal Ref: APP/L5240/W/22/3312127

63 Friends Road, Croydon, CR0 1ED

- 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 Clanbury Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03916/FUL, dated 22 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed was described as '*Retention of the White UPVC Windows*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively and at the time of my visit I saw that the white UPVC windows had been installed. As retention is not an act of development, I have considered the appeal as development comprising the installation of replacement UPVC windows.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the host building and the Chatsworth Road Conservation Area.

Reasons

4. The appeal property is a fairly large, two-storey, detached dwelling occupying a prominent corner location in a predominantly residential neighbourhood and within the Chatsworth Road Conservation Area (CA), which comprises a substantial grouping of late Victorian and Edwardian houses. The Council's *Chatsworth Road Conservation Area Appraisal And Management Plan* was adopted as a Supplementary Planning Document (SPD) in 2013 and describes the CA's special character being derived from a level of architectural quality and cohesion to the area that is largely unchanged from its original design and layout. No 63 is identified within the SPD as a building that positively contributes to the CA's special character.
5. According to the appellant's submissions, a total of twenty-eight window frames have been replaced at No 63. Four of these relate to small window openings situated in a rear/side extension and have provided like-for-like replacement of previously existing white UPVC window frames. This has not

been disputed by the Council and I have no reason to doubt this as fact. The remaining twenty-four windows, including a significant number on some imposing two-storey turret bays to the original dwelling fronting both Friends Road and Chatsworth Road, have replaced original timber sash windows.

6. The SPD lists timber sliding sash window frames as one of many other key architectural features and common materials that are found throughout the CA. Paragraph 7.2.1 of the SPD recognises that negative change to the special character of the area can often occur incrementally through piecemeal alterations that do not require planning permission, or that occurred prior to the area's designation. It goes on to identify a number of potential threats to buildings including amongst them the loss of historic or traditional style architectural features and the introduction of new architectural features and materials that detract from the area's character. Section 9.6 of the SPD deals specifically with window replacement. Its paragraph 9.6.1 advises that historic and traditional style windows should be retained and repaired due to the important contribution they make to the CA's special character and that replacements, if necessary, should be made on a like-for-like basis in terms of design and materials.
7. I saw during my visit that the UPVC casement windows which have replaced the original timber sliding sash windows have noticeably thick frames with top-hung openings and sit heavy in the window apertures. Neither the materials nor the design of the replacement window frames reflects the slim appearance and natural patina of original windows, which can be readily seen and appreciated on many other properties throughout the CA. As such, they represent a type of development the SPD expressly advises against.
8. The appellant has drawn comparison with replacement window frames on a significant number of other properties in the CA, including at immediately adjoining buildings. I saw these and others during my visit, as well as many where original window frames are retained. The vast majority of replacement frames stood out to me as unrepresentative of traditional style windows and unsympathetic to the appearance of the building. Furthermore, there is only one example before me where planning permission (Ref 22/03815/FUL) has been granted recently for replacement UPVC windows. In that instance at Nos 57 - 59 Friends Road, it was clear that the windows to be replaced were themselves replacements of the originals and had been in situ for many years. There is no evidence before me to suggest that any of the other past alterations apparent to me have the benefit of a planning permission post designation of the CA in 2008 or, more significantly, the imposition of an Article 4 Direction in 2016 requiring, amongst other things, planning permission for the extension, improvement or other alteration of a dwelling house. Whilst the new window frames at No 63 are representative of other replacement frames in the locality, this does not alter the fact that they detract from the character and appearance of the building; one which is identified as having a positive contribution to the special character of the CA.
9. Having regard to paragraph 199 of the National Planning Policy Framework (the Framework), the harm arising from the development to the significance of the CA as a heritage asset is less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset requires clear and convincing justification in line with paragraph 200 of

the Framework. In line with the Framework's paragraph 202, such harm should be weighed against the public benefits of the development.

10. Given the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I attach significant weight to the harm that I have identified to the historic environment.
11. The appellant has argued that the replacement window frames have delivered a number of public benefits. However, these have not been spelt out. I have no doubt that the replacement window frames have improved thermal performance compared with the originals, but there is no evidence to suggest that the only way to achieve this was by installing the specific frames in question. Neither does the poor condition of the originals justify replacements that I have found to be visually harmful and which contribute incrementally to further negative change to the CA. The weight I attach to any perceived public benefits of the development is only slight and is insufficient to outweigh the harm identified.

Conclusion

12. For the reasons given, the replacement window frames harm the character and appearance of No 63 and the Chatsworth Road Conservation Area. As such, there is conflict with Policies DM10 and DM18 of the Croydon Local Plan (2018), and Policies D3 and HC1 of The London Plan 2021 as far as they require between them development to be of a high quality in order to respect the local distinctiveness of an area, including its appearance, existing materials, and built and natural features, and specifically to preserve and enhance the character, appearance and setting of heritage assets. For the same reasons there would also be conflict with the Framework's objectives for conserving and enhancing the historic environment.
13. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR