



Appeal Decision

Site visit made on 2 November 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/E5900/W/22/3300952

**48 & 50 Grove Road (E3 5AX) and Flat 4, 5, 7 of 52 Grove Road (E3 5DU)
London**

- 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 Warren Shaw against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/22/00362, dated 24 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is replacement of windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issue in this appeal is the effect on the character and appearance of the area, with particular regard to the Tredegar Square Conservation Area.

Reasons

4. The appeal site comprises a block of purpose built flats and maisonettes constructed to appear as three, terraced buildings. The building is three storey, plus an attic and semi-basement level, with the principal floor elevated above street level and accessed by external staircases. From the submitted floor plans, three maisonettes occupy the semi-basement and principal floor levels and the flats on the first, second, and attic floors run across the whole width of the building, having a single aspect to either the front or the rear.
5. The site forms part of a terrace of older buildings of traditional construction and a former public house, which has been converted to flats, is located at the southern end on the junction with Morgan Road. To the rear of the building comprising the appeal site is a car park associated with the flats. Beyond the car park entrance is a modern, two storey, detached house on the junction with Lichfield Road.
6. The building has been designed to emulate the older buildings in the terrace which are locally listed non-designated heritage assets. Although a more recent addition to the built form, the façade of the appeal building adopts a

similar fenestration pattern and approach to the treatment of the principal floor and semi-basement as the older buildings, with two storey bay windows rising from the basement and external stairways bridging the lightwell. Slight steps in the façade are employed to provide vertical articulation to give the impression of separate buildings. As a result, it sits quite comfortably alongside its older neighbours.

7. The terrace that contains the appeal site forms one side of a roughly rectangular perimeter block comprised mainly of two storey terraced buildings and a small number of detached buildings. Opposite the terrace containing the appeal site are two short terraces of modern, two storey, houses with mansard roofs; an older, detached, villa now in use as a hotel; and a petrol filling station.
8. The appeal site is located on the eastern boundary of the Tredegar Square Conservation Area. The conservation area is relatively compact and consists primarily of a grid of streets centred on Tredegar Square. From the evidence, although having earlier origins, much of the area was developed between 1820 and 1860 and encompasses part of Mile End Old Town. It is predominantly residential in character, although it also contains a number of commercial and public buildings. The domestic buildings are generally constructed of brick with some stucco/render details, with occasionally entire stucco facades, and there are a variety of pitched and hipped roofs present. Many of the buildings date from the original nineteenth century development of the area, although there are also a number of more recent insertions into the older built fabric. The Tredegar Square Conservation Area Character Appraisal and Management Guidelines (2008, updated 2016) note that the unity of the residential terraces is a significant quality of the area.
9. From the evidence before me and from what I saw when I visited the site and the surrounding area, the significance of the conservation area, in so far as it is relevant to this appeal, is derived from its historical value as an area which developed as part of the nineteenth century expansion of London in response to industrial developments along the River Lea and from increased transport options for residential and commercial activities following the construction of new infrastructure including new roads, the Regent's Canal, and the Limehouse Cut waterway. It also has architectural value derived from the evidence it provides of the building types and designs, and the construction methods and materials used at the time, and aesthetic value arising from the appearance and layout of the buildings and their relationship with the spaces created by this.
10. The appeal scheme proposes replacing the existing timber, single glazed, sash windows in numbers 48 and 50 Grove Road, which are maisonettes, and in flats 4, 5, 7 on the second and attic floor respectively of 52 Grove Road with new uPVC, double glazed, sliding sash windows.
11. I saw when I visited the site that within the terrace there is a variety of window styles and materials present, including uPVC replacements and top hung, outward opening, windows. A number of the properties do, nonetheless, retain historic, timber, sliding sash windows. I also saw that the existing timber windows in the appeal building are in a poor state of repair.
12. From the provided information, including the window manufacturer's brochure, the proposed replacement windows would be of a high quality and a reasonable

facsimile of a traditional timber sash window, though due to the nature of the material and the weight of the double glazed panes, details such as the glazing bars and meeting rails will be more substantial than those details on the timber windows to be replaced and also on the other timber windows present in the terrace.

13. Due to the configuration of the units within the building, not all of the windows on either the front or rear elevations would be replaced. In particular, the basement and principal floor windows to the front and rear of number 50, all the windows on the first floor front and rear elevations, and the top floor rear windows would not be replaced.
14. This would result in a mix of window styles across both the front and rear elevations of the building, with replaced uPVC windows alongside retained timber windows. Due to the appeal building being designed to be perceived as three terraced houses, this mix of window styles would lead to the elevations having a disjointed appearance, particularly in the vertical direction where the retained windows on the first floor would separate replaced windows at basement and principal floor level from those on the second and attic floors on the front elevation. This effect would be exacerbated by differences in the frames and in the thicknesses of the glazing bars and meeting rails. This would greatly undermine the effect of the building being designed to appear as three terraced houses and would not represent a high standard of design.
15. Although other buildings in the adjoining terrace have had windows replaced in a variety of styles and materials, these retain consistency within the front facades of each building. This would not be the case with the appeal proposal, and this would, consequently, be harmful to the appearance of the building and to the terrace of which it forms a part. I recognise that the alterations on the rear elevation would have a lesser visual effect as these would not be readily seen from the public domain. Nonetheless, this does not mitigate the harm that would be caused to the front elevation of the building. Given the above and the fact that the Conservation Area Character Appraisal identifies the unity of the residential terraces as a significant quality of the area, overall, the proposal would be harmful to the aesthetic value, and hence the significance, of the conservation area.
16. The conservation area is relatively large, and the harm would be mainly restricted to the terrace of which the appeal building forms part. However, the appeal site is located in a very prominent position on a busy main road on the edge of the conservation area and the harm would, consequently, have a negative effect the conservation area as a whole. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that any harm should have a clear and convincing justification. Given the above, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight.
17. In these circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has not identified any specific public benefits which would arise from

the proposal. I have noted that the appellant states that the existing windows are very energy inefficient and provide little noise reduction from the traffic on Grove Road. It is also suggested that the current windows are at the end of their lifespan and are uneconomic to repair. However, no technical evidence has been submitted which would verify this and any benefits accruing from the replacement windows would be largely private rather than public. This would not overcome the great weight which is to be given to the conservation of heritage assets.

18. The appellant has also referred to similar replacement windows being permitted in another building elsewhere in the borough. However, I have not been provided with sufficient detail of those works to indicate whether the circumstances are analogous to the case before me. In any event, each appeal must be decided on its own merits.
19. In the light of the above, and in the absence of any defined or substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the Tredegar Square Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies D4 and HC1 of the London Plan 2021 and Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2020 which when read together expect, among other things, that development be of a high standard of design and that alterations to heritage assets to not have an adverse effect on the asset and conserve its significance. As a result, the proposal would not be in accordance with the development plan.

Conclusion

20. The proposal would harm the character and appearance of the appeal building and significance of the Tredegar Square Conservation Area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR