



Appeal Decision

Site visit made on 14 August 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/C5690/D/23/3324803

95 Culverley Road, Catford, Lewisham, London, SE6 2LD

- 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 Mahmood against the decision of the Council of the London Borough of Lewisham.
 - The application Ref: DC/23/130865, dated 20 March 2023, was refused by notice dated 9 June 2023.
 - The development is described as: 'Retrospective application for the change of windows in May 2011 from pre-existing white uPVC windows to the currently installed dark grey uPVC windows'.
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Decision

1. The appeal is allowed and planning permission is granted for 'the change of windows in May 2011 from pre-existing white uPVC windows to the currently installed dark grey uPVC windows' at 95 Culverley Road, Catford, Lewisham, London, SE6 2LD. This is in accordance with the terms of the application, Ref: DC/23/130865, dated 20 March 2023 and subject to the following condition:
 - 1) The development shall be retained in accordance with the following application plans and documents hereby approved: 1811-0-01; 1811-0-02; 1811-P-01; 1811-P-02; 1811-P-03; 1811-P-04; 1811-P-05; 1811-P-06; 1811-P-07; 1811-P-08; 1811-P-09; 1811-P-10; 1811-P-11; 1811-P-12; 1811-P-13; 1811-P-14 (Windows Elevation Part 2); 1811-P-14 (Windows Sectional Details); Heritage Statement.

Procedural Matter

2. The appeal proposal relates to the installation of replacement windows at the property which had already taken place. The appeal is therefore retrospective and I have determined it on that basis.

Main Issue

3. The main issue of the appeal is whether the development preserves or enhances the character and appearance of the Culverley Green Conservation Area.

Reasons

4. The appeal site comprises a dwelling forming part of a street which is characterised by semi-detached dwellings that were all constructed using similar materials and architectural detailing. This has created a sense of uniformity and an attractive street scene which makes a positive contribution

to the character and appearance of the Culverley Green Conservation Area (CGCA). The preservation or enhancement of the CGCA must be given considerable weight and importance. It is important to note on my site visit I observed subtle variations in the general appearance of each property. Whilst many have retained their white-painted timber windows, there are numerous dwellings in the street that have changed to uPVC, including the appeal property.

5. The Council states white uPVC windows were installed at the property in 2008 and are therefore immune from enforcement action. With no evidence to the contrary, I have no reason to disagree and this is a material consideration in my assessment. Policy DM30 f) of the Lewisham Development Management Local Plan (2014) (Local Plan) states that materials used should be high quality and either match or complement existing development.
6. I acknowledge that the Alterations and Extensions Supplementary Planning Document (2019) (SPD) also states that uPVC windows in Conservation Areas should be resisted. However, in this case, the windows that have been installed are a like-for-like replacement in terms of the uPVC material and it is simply the colour that is different as the windows have changed from white to dark grey. The new windows that have been installed are the same two-pane, top-hung windows as their predecessors. The uPVC windows also have a relatively slim profile and they sit neatly within the recessed window structures. Therefore, I consider criterion 2 d. of Policy DM31 of the Local Plan, which states replacement windows should closely match the pattern of the original windows, has been complied with.
7. The dark grey complements the same colour that has been used to paint the windowsills and decorative banding at the top of the windows on the principal elevation of the attached neighbouring property. The decorative banding on the appeal property has also been painted dark grey to create a coherent and logical colour scheme. When the appeal property is viewed with its semi-detached neighbour as a pair, the alterations including the introduction of dark grey colouring integrates with the character of this part of the street scene.
8. Criterion 4 a. of Policy DM36 of the Local Plan states planning permission should not be granted for alterations to existing buildings that are incompatible with the special characteristics of the area, its buildings and materials, among other criteria. The appeal property already had uPVC windows, and I have found the new colour that has been introduced complements the context of the site and it ultimately preserves the character and appearance of the CGCA. For these reasons, I have found no conflict with this policy or the development plan when read as a whole.
9. Concluding on this issue, I have found that the replacement windows installed at the appeal property complement the street scene and preserve the character and appearance of the CGCA in accordance with policies DM30, DM31, DM36 of the Local Plan, the SPD and policies 15 and 16 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011). Together these policies, among other things, aim to promote good urban design, respect local character and preserve or enhance the character and appearance of Conservation Areas and other heritage assets. I consider the appeal proposal accords with these aims. I have also found the appeal proposal

is in accordance with Policy HC1 of the London Plan (2021) and Part 16 of the National Planning Policy Framework (2023).

Other Matters

10. As the appeal is retrospective, there is no need for a condition to control the commencement of the development within the statutory time period of three years.

Conclusion

11. For the reasons given above, I conclude the appeal should be allowed and planning permission is granted. This is subject to the condition instructing that the development is retained in accordance with the approved plans and documents.

J N Seymour

INSPECTOR