



Appeal Decision

Site visit made on 6 June 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal A Ref: APP/U5360/W/22/3310090

1b, 1c and 1d Leagrave Street, Hackney, E5 9QX

- 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 Ganiyu Laniyan on behalf of Shian Housing Association Ltd against the decision of London Borough of Hackney.
 - The application Ref 2022/0998, dated 7 April 2022, was refused by notice dated 12 July 2022.
 - The development proposed is described as "the replacement of existing doors and windows with double glazed uPVC windows".
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Appeal B Ref: APP/U5360/W/22/3310092

104, 106 and 108 Lea Bridge Road, Hackney, London E5 9RB

- 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 Ganiyu Laniyan on behalf of Shian Housing Association Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0958, dated 7 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is described as "the replacement of existing doors and windows with double glazed uPVC windows".
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Appeal C Ref: APP/U5360/W/22/3310093

220-230 Chatsworth Road, Hackney, London E5 9RA

- 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 Ganiyu Laniyan on behalf of Shian Housing Association Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0966, dated 7 April 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as "the replacement of existing doors and windows with double glazed uPVC windows".
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Appeal D Ref: APP/U5360/W/22/3310094

256-266 Chatsworth Road, Hackney, London E5 9RA

- 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 Ganiyu Laniyan on behalf of Shian Housing Association Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0987, dated 7 April 2022, was refused by notice dated 5 July 2022.
 - The development proposed is described as "the replacement of existing doors and windows with double glazed uPVC windows".
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the replacement of existing doors and windows with double glazed uPVC windows and doors at Nos 1b, 1c and 1d Leagrave Street, Hackney, London E5 9QX in accordance with the terms of the application, Ref 2022/0998, dated 7 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for the replacement of existing doors and windows with double glazed uPVC windows and doors at Nos 104, 106 and 108 Lea Bridge Road, Hackney, London E5 9RB in accordance with the terms of the application, Ref 2022/0958, dated 7 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal C

3. The appeal is allowed and planning permission is granted for the replacement of existing doors and windows with double glazed uPVC windows and doors at even Nos. 220 to 230 Chatsworth Road, Hackney, London E5 9RA in accordance with the terms of the application, Ref 2022/0966, dated 7 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal D

4. The appeal is allowed and planning permission is granted for the replacement of existing doors and windows with double glazed uPVC windows and doors at even Nos. 256 to 266 Chatsworth Road, Hackney, London E5 9RA in accordance with the terms of the application, Ref 2022/0987, dated 7 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

5. This decision relates to four appeals on neighbouring sites, which form part of the same building group. Whilst there are some minor differences with each appeal site, the main issues are the same for each appeal. I have considered each proposal on its own individual merits. However, to avoid repetition my assessment refers to all appeals except where otherwise indicated.
6. The main parties have confirmed that notwithstanding the description provided on the planning application forms, the proposed development comprises the replacement of existing windows and doors to the front and rear of each property. I have determined each appeal on this basis and have reflected this in paragraph Nos 1-4 above.

Main Issue

7. The main issue is the effect of each of the appeal proposals on the character and appearance of its host and surrounding context with particular regard to the significance and special interest features of the Lea Bridge Conservation Area.

Reasons

8. The appeal sites form part of a u-shaped building group which has its primary frontage facing onto Chatsworth Road, which is opposite North Millfields Recreation Ground. The building group is constructed of yellow brick with accents of render used. The building group although comprising both flats and houses, retains a uniform appearance which contributes positively to its appearance in the surrounding area.
9. The elevation along Chatsworth Road is three storey building, with a curved building line that reduces in scale as it extends along Leagrave Street and Lea Bridge Road. At each end of the building group is a short terrace of three, two-storey townhouses, which are more reflective of the surrounding, historical built character of terraces housing. The area exhibits a high degree of architectural variety, including the use of materials, window design and roof profiles.
10. Appeal A relates to Nos 1b, 1c and 1d Leagrave Street, which are a terrace of 3, two-storey dwellings, with dormer windows. The site is separated from the Victorian terraced dwellings found on Leagrave Street. The neighbouring Victorian terrace exhibits a variety of materials and styles of window details. On the opposite side of the road, a large residential development was under construction. This development has a contemporary appearance partly because of its fenestration and door treatments in terms of their materials and design.
11. Appeal B relates to 104, 106 and 108 Lea Bridge Road, which also comprises a short terrace of 3, two-storey dwellings, with front dormer windows. The site is set back from Lea Bridge Road, which displays architectural variety in its character and in the design of individual properties and buildings, including purpose-built modern flats, Victorian terraced houses, and a small modern housing development.
12. Appeal C relates to even Nos 220 to 230 Chatsworth Road, which is a corner section of a three-storey block of modern flats located at the junction of Chatsworth Road and Leagrave Street. This part of the building group exhibits a strong sense of symmetry in relation to the location, size and design of the window and door treatments. There is a notable change in character experienced on this part of Chatsworth Road, which with the exception of the modern development taking place on the opposite side of Leagrave Street is surrounded by large open spaces.
13. Appeal D relates to even Nos 256 to 266 Chatsworth Road, which is also a corner section of a three-storey block of modern flats, prominently located at the junction of Chatsworth Road and Lea Bridge Road. As with Appeal C, this part of the building group exhibits a strong sense of symmetry in relation to the location, size and design of the window and door treatments. On the opposite side of Lea Bridge Road and Chatsworth Road are large areas of open space.
14. The appeal sites are located in a predominantly residential area and lie centrally within the Lea Bridge Conservation Area (LBCA). The LBCA was first designated in 2005 and formed a tightly drawn boundary around a historic core of 19th Century buildings. Its boundary was extended in 2020 to include a wider area, including the large open spaces at Millfield Common and the Middlesex

Filter Beds. These areas of open space surround the historical core of buildings and the River Lea.

15. The appeal sites are located within the Lea Bridge Character Area, which forms a distinctive and coherent piece of townscape within the wider LBCA. The submitted evidence confirms that the significance of this particular conservation area as a whole, is defined by physical and historical connections with the River Lea, which formed the historic boundary between Middlesex and Essex until 1965 and continues to distinguish the London Boroughs of Hackney and Waltham Forest. The significance of the conservation area, in so far as it relates to these appeals, is in their relationship to the historic core of buildings, which are densely built and surrounded by open land and the river. Although clearly a modern building group, the fenestration, in particular the recessed design, colour and vertical emphasis of the window openings reflects the recessed design, colour, and vertical emphasis of examples of traditional windows found within the LBCA.
16. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
17. The appeal sites are a modern building group, and the Lea Bridge Conservation Area Character Appraisal and Management Plan (CAA) identifies that the building group makes a neutral contribution to the LBCA, which means that they neither contribute nor actively detract from the conservation area's special character. The appeal sites are included in the extended boundary of the LBCA. However, no evidence has been provided that the appeal sites were included in the revised boundary for any specific purpose, other than their location in relation to important elements of the LBCA.
18. The existing windows and doors within appeal sites A and B follow an identical pattern, each with a single front dormer, large central window to the first floor, and a smaller square window on the ground floor, which sits alongside the front door. The rear elevations of these sites are not widely visible within the surrounding area. The white painted timber windows and rear door which would be replaced are of a modern design and side opening windows, lacking traditional features such as glazing bars. As such they exhibit a distinctly different character to the traditional windows found in the area. In these properties only the rear door is shown as to be replaced, so the existing front door would be retained, maintaining some of its existing appearance.
19. The existing windows and doors with appeal sites C and D form a symmetrical appearance and although, clearly modern windows, exhibit a strong vertical emphasis to their window design. Due to the scale of the building and the strong vertical emphasis of the existing window and door openings found in this part of the building group, they do not reflect the size or design of window openings typically found in the Victorian terraced properties. The shared entrance doors to the flats which are located within the central part of the building group would be retained. The existing ratio of solid wall to window or door opening would also be retained.

20. Each of the appeal proposals would result in the replacement of the existing single-glazed, white-painted, timber, windows, and some of the doors with double-glazed, white, woodgrain effect, uPVC framed windows and uPVC doors and frames. The proposed replacements would lead to an improved SAP rating, improved thermal comfort, reduced maintenance, improved security for the occupiers of the appeal sites with the proposed installation of multi point locking system doors.
21. The Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) states that traditional painted timber, vertical sliding sash windows and timber doors should be retained and repaired where possible. It also states that modern materials such as uPVC and aluminium, and changes to window patterns are generally unacceptable for traditional building forms.
22. The CAA also provides guidance for the development, maintenance, and enhancement of the LBCA. It states that materials should be carefully chosen to complement the existing palette of materials found within the LBCA. It also states that to ensure the special character of the LBCA is not adversely affected, it lists the types of development that will generally be resisted, which includes the installation of non-traditional window types/materials. There is no specific guidance for the treatment of existing non-traditional buildings within the LBCA.
23. Whilst all of the proposed replacement windows would be very similar to the existing windows in terms of opening, style, vertical emphasis and colour, they would be some differences in terms of materials and frame profiles. However crucially, the existing windows do not reflect the frame profiles and appearance of existing period windows evident elsewhere in this conservation area. Rather they reflect the variety which is present. As such, their loss would not harm the character and appearance or significance LBCA.
24. The submitted plans demonstrate that the existing style and dimensions of both the windows and doors would be closely replicated, with no notable change to existing properties. The only significant change would be change in material. The submitted plans indicate that a wood grain effect uPVC product would be used which would be less stark than a smooth uPVC in terms of finish. The precise window and door details in terms of surface finish, profiles, position within the openings and glazing treatments could be controlled by way of a planning condition requiring samples to be agreed prior to installation. This would ensure that the proposed replacement windows and doors would retain a simple unobtrusive appearance which would not be jarring with the existing non-traditional style windows and doors. On this basis, the appearance of the building would be little changed, and overall the proposed fenestration treatments would not be conspicuous within their context.
25. I observed that uPVC framed windows are present on a significant number of neighbouring buildings, including within the traditional terraces which have been evidenced as making a positive contribution to the character of the conservation area. The Council states that these predate the extension of the LBCA designation and those within the traditional buildings harm the character and appearance of the conservation area. However, significantly, the appeal sites are modern buildings and whilst the existing windows and doors are timber, they are not consistent with the traditional built fabric of this designated heritage asset.

26. Furthermore, there are a number of large, modern buildings situated prominently within the conservation area, which have utilised modern materials providing a visual contrast between the more traditional elements of the conservation area and those which are modern man-made alternatives. These and the appeal sites contribute to the architectural variety in the area.
27. Regarding Appeal C and D my attention has been drawn to the planning history and existing fenestration Nos 232–254 Chatsworth Road. These properties form the central section of the 3-storey block of flats within which that particular appeal site is located. Some of the previously permitted uPVC windows have been installed here. Appeal proposals C and D would be consistent with these and, in turn, would better unify the appearance of this building when experienced as a whole from within the conservation area.
28. In this particular instance, their loss and proposed replacements would not cause harm to the significance of the LBCA and would preserve its character and appearance. In the absence of harm to the conservation area's character and appearance, the proposals both individually and collectively would have a neutral effect upon the significance of the heritage asset.
29. For the above reasons, overall I conclude that each of the appeal proposals would not cause harm to the character and appearance of the host property and its surrounding context, with particular regard to the significance of the Lea Bridge Conservation Area. Furthermore, in the absence of harm there would be no adverse cumulative effect on that designated heritage asset.
30. Policies D4 and HC1 of the London Plan and Policies LP1 and LP3 of the Hackney Local Plan require new development to preserve or enhance the character and appearance of the area and the significance of the historic environment. In view of my findings there is no conflict with these policies.
31. In the absence of harm, there is no conflict with paragraphs 199 or 201 of the Framework. Furthermore, in view of my findings the provisions of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied.

Other Matters

32. The evidence before me does not clearly demonstrate that the environmental consequences of the particular appeal proposals would give rise to an unacceptable level of harm. Therefore, I attach very limited weight to the arguments made in those regards.

Conditions

33. I have made some minor amendments, to the conditions proposed by the Council so that they meet to the statutory tests for conditions. Condition Nos 1 and 2 are necessary for the avoidance of doubt and in the interests of certainty about the timescales for commencement and the approved plans.
34. Whilst each appeal is supported by a comprehensive set of plans, which include adequate cross-sectional drawings of the proposed windows the imposition of a further condition (3) requiring the submission of further details to clarify the exact details of and materials to be used for the replacement windows and doors, including sample materials is required to protect the significance of the LBCA.

Conclusion

35. In the absence of any harm, each of the appeal proposals accords with the development plan when read as a whole. This is not outweighed by any of the matters which I have identified as weighing against each appeal proposal.
36. For the above reasons, I conclude that Appeal A should be allowed.
37. For the above reasons, I conclude that Appeal B should be allowed.
38. For the above reasons, I conclude that Appeal C should be allowed.
39. For the above reasons, I conclude that Appeal D should be allowed.

K Lancaster

INSPECTOR

Appeal A Ref: APP/U5360/W/22/3310090 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2020/02A-07 – Location & Block Plan
 - 2020/02A-01 – Existing Floor Plans & Elevations
 - 2020/02A-02 – Proposed Floor Plans & Elevations
 - 2020/02A-03 – Proposed Window and Door Details (1)
 - 2020/02A-04 – Proposed Window and Door Details (2)
 - 2020/02A-05 – Proposed Window and Door Details (3)
 - 2020/02A-06 – Existing and Proposed Window Comparison
- 3) Prior to the commencement of development of any replacement window or door hereby permitted, detailed drawings of them and samples of the materials to be used must be submitted to and approved in writing by the local planning authority. This should include:
 - Details of windows, elevations, joinery and cross sections to scale of 1:20
 - Details of doors

The development shall be carried out in accordance with the approved details and samples.

End of Schedule

Appeal B Ref: APP/U5360/W/22/3310092 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2020/02-07 - Location Plan & Block Plan
 - 2020/02-02 – Existing Floor Plans & Elevations
 - 2020/02-02 – Proposed Floor Plans & Elevations
 - 2020/02-03 – Proposed Door/Window Details (1)
 - 2020/02-04 - Proposed Door/Window Details (2)
 - 2020/02-05 - Proposed Door/Window Details (3)
 - 2020/02-06 – Existing and Proposed Window Comparison
- 3) Prior to the commencement of development of any replacement window or door hereby permitted, detailed drawings of them and samples of the materials to be used must be submitted to and approved in writing by the local planning authority. This should include:
 - Details of windows, elevations, joinery and cross sections to scale of 1:20
 - Details of doors

The development shall be carried out in accordance with the approved details and samples.

End of Schedule

Appeal C Ref: APP/U5360/W/22/3310093 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2020/2C-09 – Location & Block Plan
 - 2020/02C-01 – Existing Floor Plans & Elevations (A & B)
 - 2020/02C-02 – Existing Floor Plans & Elevations (C & D)
 - 2020/02C-03 – Proposed Floor Plans & Elevations (A & B)
 - 2020/02C-04 – Proposed Floor Plans & Elevations (C & D)
 - 2020/02C-05 – Proposed Door/Window Details (1)
 - 2020/02C-06 – Proposed Door/Window Details (2)
 - 2020/02C-07 – Existing and Proposed Window Comparisons
 - 2020/02C-08 – Existing and Proposed Window Comparisons
- 3) Prior to the commencement of development of any replacement window or door hereby permitted, detailed drawings of them and samples of the materials to be used must be submitted to and approved in writing by the local planning authority. This should include:
 - Details of windows, elevations, joinery and cross sections to scale of 1:20
 - Details of doors

The development shall be carried out in accordance with the approved details and samples.

End of Schedule

Appeal D Ref: APP/U5360/W/22/3310094 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2020/2B-08 – Location & Block Plan
 - 2020/02B-01 – Existing Floor Plans & Elevations (A & B)
 - 2020/02B-02 – Existing Floor Plans & Elevations (C & D)
 - 2020/02B-03 – Proposed Floor Plans & Elevations (A & B)
 - 2020/02B-04 – Proposed Floor Plans & Elevations (C & D)
 - 2020/02B-05 – Proposed Door/Window Details (1)
 - 2020/02B-06 – Proposed Door/Window Details (2)
 - 2020/02B-07 – Existing and Proposed Window Comparisons
- 3) Prior to the commencement of development of any replacement window or door hereby permitted, detailed drawings of them and samples of the materials to be used must be submitted to and approved in writing by the local planning authority. This should include:
 - Details of windows, elevations, joinery and cross sections to scale of 1:20
 - Details of doors

The development shall be carried out in accordance with the approved details and samples.

End of Schedule