



Appeal Decision

Site visit made on 7 November 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/Y5420/W/23/3319005

Flat 11C, Shepherds Hill, Hornsey, London, Haringey N6 5QJ

- 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 Alexander Ferguson against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2503, dated 23 September 2022, was refused by notice dated 13 December 2022.
 - The development proposed is described as new windows.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement of windows at Flat 11C, Shepherds Hill, Hornsey, London, Haringey N6 5QJ in accordance with the terms of the application, Ref HGY/2022/2503, dated 23 September 2022, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: site location plan, layout plan showing windows proposed for replacement, R9CW + SILL-2 and window schedule (update on page 8).

Preliminary Matters

2. As a part of their submission the appellant has provided a Heritage Statement and a window schedule that provides further clarity regarding the proposed windows. The Council and the interested parties have had the opportunity to comment on these details and, as such, I am satisfied that no prejudice would occur if I have regard to the schedule and Heritage Statement. I have considered the appeal accordingly.
3. To be concise, I have only used the first sentence of the description of the proposed development provided in the application form on the banner heading above. Nevertheless, I have had regard to the additional information provided in the description in determining the appeal. Further, I have used the Council's description of development in my decision as this more accurately and clearly reflects the proposal before me.
4. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised

Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Highgate Conservation Area (CA).

Reasons

6. The significance of the Highgate CA derives in part from the relationship of its historic pattern of development, its buildings of architectural merit, its topography, its green open spaces and distant views. Shepherds Hill is within sub area 5 of the Highgate CA. This sub-area has a cohesive character by virtue of the predominant 19th / early 20th century 3-storey detached houses.
7. The appeal site is located on the second floor of No 11 Shepherds Hill (No 11). No 11 is part of a group of Edwardian 3-storey double fronted detached properties. The windows in No 11 are in different materials including uPVC, albeit timber is the predominant window type. The design and appearance of the windows is varied across the building, including picture windows, side-hung casement, vertical sliding and top-hung windows. Still, many of the original features in the building remain, so it makes a positive contribution to the CA.
8. The existing windows in Flat 11C are in poor condition and some materials already represent a departure from the traditional wooden frames. On the front elevation, the proposal would replace an aluminium picture window (W1) by a pane arrangement of a design with a vertical emphasis that would be more reflective of the existing fenestration on the host building and on nearby properties. The pane design of windows W2 and W3 would be maintained. The proposed windows on the side and rear elevations would have a similar design to the existing fenestration.
9. The appellant advises that the proposed windows would sit flush as the existing timber windows and the brickwork or stonework would not be altered. As such, despite the uPVC material, the appearance of the proposed windows would incorporate important aspects of the original design and, in turn, preserve the significance of the CA.
10. For the reasons set out above, I conclude that the proposal would not cause harm to the character or appearance of the host building or local area and would preserve the character or appearance of the Highgate CA. Accordingly, the proposal would satisfy the requirements of the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and accord with the National Planning Policy Framework, where it seeks to conserve the historic environment. It would also comply with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, Policies SP11 and SP12 of the Haringey's Local Plan Strategic Policies 2013-2026 (2017) and Policies D6 and HC1 of the London Plan 2021. These policies seek, amongst other things, a high standard of design and to preserve or enhance heritage assets.

Other Matters

11. Concerns have been raised in relation to the information submitted with the planning application. However, the appellant has submitted with this appeal a

window schedule setting out which windows would be replaced, their location and product range.

Conditions

12. A condition is necessary to require the development to accord with the approved plans, as this provides certainty. In the interests of clarity, I have amended the wording of this condition.

Conclusion

13. For the reasons given above, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise other than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR