



Appeal Decisions

Site visit made on 22 February 2024

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal A Ref: APP/E5900/W/23/3329207

Flats 3 ,9, 10, 14 and 18 University House, 16 Victoria Park Square, London E2 9PE

- 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 Emma Thomas against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/00157, dated 20 January 2023, was refused by notice dated 10 March 2023.
 - The development proposed was described on the application form as 'The work is proposed for 5 different flats within the building. In flats 3, 14 and 18 is to Decorate, Draughtseal, Overhaul and Fit 2 New Pair of Sashes with slim line heritage double glazing 12mm in width. In Flat 10 the work is to install a like for like replacement with 12mm slim line double glazing. In Flat 9 there is two windows, one is proposed to be decorated, draughtseal, overhaul and fit pair of sashes. The other is a complete replacement with a like for like. Both windows in Flat 9 proposed to be slim line double glazing with acoustic laminated glass'.
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Appeal B Ref: APP/E5900/Y/23/3329215

Flat 3 ,9, 10, 14 and 18 University House, 16 Victoria Park Square, London E2 9PE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Emma Thomas against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/00158, dated 20 January 2023, was refused by notice dated 10 March 2023.
 - The works proposed are described on the application form as 'The work is proposed for 5 different flats within the building. In flats 3, 14 and 18 is to Decorate, Draughtseal, Overhaul and Fit 2 New Pair of Sashes with slim line heritage double glazing 12mm in width. In Flat 10 the work is to install a like for like replacement with 12mm slim line double glazing. In Flat 9 there is two windows, one is proposed to be decorated, draughtseal, overhaul and fit pair of sashes. The other is a complete replacement with a like for like. Both windows in Flat 9 proposed to be slim line double glazing with acoustic laminated glass'.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Procedural matters

2. I have taken the site address from the Council's decision notices which more accurately set out where the proposed works are intended to occur.

Notwithstanding the descriptions of development in the headings above, the submitted plans show works to 11 windows in total and I have dealt with the appeals on that basis.

3. The Government revised its National Planning Policy Framework (NPPF) on 19 December 2023. I wrote to the parties inviting comments on the implications of the revised NPPF for their cases. I have regard to the responses received.

Main Issue – both appeals

4. The appeals concern proposed works to five flats within University House, a Grade II listed building which is situated within the Bethnal Green Gardens Conservation Area (the Conservation Area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) imposes particular responsibilities on the decision taker. Consequently, the main issue for both appeals is the effect of the scheme on the special architectural and historic interest of the listed building, and on the character and appearance of the Conservation Area.

Reasons

5. Sections 16(2) and 66(1) of the Act requires, when considering whether to grant listed building consent for any works to a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
6. The listing description describes University House as being the former clubhouse and chapel of the Bethnal Green University Settlement, dating from around 1888. The front of the building has a 3-bay yellow brick façade with red brick dressings to sash windows and a cornice below attic level, which refers to the adjacent Queen Anne houses. The building includes a two storey chapel half the width of the clubhouse in redbrick with a hipped slate roof in the Gothic Revival style. To the rear of this, the building extends back into the site, where the flats subject to this appeal are located.
7. The University Settlement in the East End was established at Bethnal Green in the 1880s by three Oxford theology graduates who aimed to provide 'entertainment, rational amusement, and social intercourse' for the working class people of the East End. The appellants heritage statement attributes the building to architect J.J. Stevenson. The significance of the building is derived from its architectural interest and its historic importance. Adjacent is situated the grade II* listed 17-18, Victoria Park Square, the significance of which is also derived from its architectural interest and historic importance.
8. I saw at my site visit that the Conservation Area has an urban character with land and buildings in a variety of uses. The Conservation Area is characterised by the formal public buildings in their open space and individual garden settings. Adjacent to the appeal site is the Museum Gardens, a significant area of landscaped open space.
9. I saw at my site visit that the windows in question are painted wooden sliding sash windows, with the exception of a single casement window in Flat 9 (W4). The works proposed to the windows identified in the applications are to decorate, draftseal, overhaul and fit new sashes in a number of windows with

slim line heritage double glazing, or the complete like for like replacement with new timber frames with slimline double glazing or acoustic laminated glass.

10. The sliding sash windows have relatively slender glazing bars, and whilst they are glazed by what appears to be the original glass, this is not historic glass. The proposed slim line glazing would be set deeper into the window frames than the existing glazing.
11. Whilst I have had regard to the appellants window condition report, I saw at my site visit that a number of the windows in question have been repainted since and are in good order. Whilst not all of the windows have been maintained recently, their present condition does not warrant their replacement or alteration in the way proposed.
12. The proposals would give rise to the loss of historic fabric of the building through either the replacement of sashes or some complete windows, and whilst slimline glazing would be used, it would be of a different appearance to the existing glazing, being set deeper into the glazing bars. Although the loss of historic fabric would not occur on the Victoria Park Square frontage, it nevertheless represents a loss of significance to the listed building. I find some limited loss of significance to the Conservation Area and the grade II* listed 17-18, Victoria Park Square the setting of which the appeal building falls within. This loss of significance is in terms of NPPF paragraph 208, less than substantial.

Other matters

13. The appellant contends that the climate emergency provides sufficient imperative and public interest in improving the thermal efficiency of Britain's building stock, including historic buildings, and adapting to the effects of climate change and has referred me to NPPF 164 which sets out that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings. I have taken into account that the proposal would improve the energy efficiency of the flats, which although unquantified, is a public benefit to which I apply significant weight. The proposed works would also help prevent drafts and water ingress, but appropriate maintenance and draft sealing should also achieve those.
14. The appellant has directed me to the Historic England 2023 Climate Change and Historic Building Adaptation Advice Note consultation draft. This document is in draft form and therefore, I apply limited weight to it. Nevertheless, whilst I note that the document states that the installation of slim-profile double glazing within historic frames will generally be acceptable, that is not the case here, where the sashes, and a number of complete windows would be replaced.
15. The occupier of flat 9 wishes to install acoustic glass to address noise and disturbance arising from the neighbouring police station and parking area, which I saw during my site visit is in close proximity. Whilst this may improve their living conditions and be beneficial to health, it would be a private benefit.

Heritage balance and conclusion

16. Paragraph 205 of the NPPF says 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. The NPPF in paragraph 208

states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, whilst I accept the benefits of double glazing in thermal and environmental terms, given the good condition of the existing windows, I am not satisfied that those benefits outweigh the harm to significance that the loss of existing sashes/windows would cause, especially when there might be other ways such as draughtproofing or the like, that could be explored. The proposal therefore conflicts with London Plan Policies D1, D4, D5 and HC1, and Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2020 which are concerned with historic heritage, and with the heritage policies of the NPPF.

17. Having considered all matters raised, both appeals are dismissed.

Philip Lewis

INSPECTOR