



Appeal Decisions

Site visit made on 27 February 2024

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal A: APP/A5840/W/23/3329908

Flat 3 and 4, 97 Camberwell Grove, London SE5 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Moore against the decision of London Borough of Southwark.
 - The application Ref: 23/AP/0282, dated 30 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is replacement of existing windows at first floor (flat 3) - W1, W2, W3, W4, W5; and at second floor (flat 4) - W6, W7, W8, W9 and W10 with painted white double glazed heritage timber windows.
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Appeal B: APP/A5840/Y/23/3329909

Flat 3 and 4, 97 Camberwell Grove, London SE5 8JH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr John Moore against the decision of London Borough of Southwark.
 - The application Ref: 23/AP/0283, dated 30 January 2023, was refused by notice dated 24 March 2023.
 - The works proposed are replacement of existing windows at first floor (flat 3) - W1, W2, W3, W4, W5; and at second floor (flat 4) - W6, W7, W8, W9 and W10 with painted white double glazed heritage timber windows.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the appeal relates to a listed building and is in a conservation area I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, after the appeal was made. However, as the Council refers to the revised Framework in its appeal statement, both main parties will be aware of it and they have been provided with the opportunity to comment on it through the appeal process. I am therefore satisfied that the interests of the main parties will not be prejudiced by this change.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building “Numbers 97-103 and attached railings” (Ref: 1378417) (the LB), and any features of special architectural or historic interest that it possesses, as well as the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings, and the extent to which it would preserve or enhance the character or appearance of the Camberwell Grove Conservation Area (the CA).

Reasons

6. Camberwell Grove CA covers a mixed urban townscape comprising the 18th and early 19th century Lower and Upper Camberwell Groves, together with Grove Park, Maudsley Hospital and adjacent mid 19th century streets, and the Salvation Army College complex and railway at Denmark Hill Station. The significance of the CA, insofar as it relates to the appeals, is associated with the uniform architectural style and design, including the traditional sliding sash fenestration, of the 18th century Camberwell Grove terraces.
7. The LB dates from the late 18th century and it comprises 4 houses that form part of a terrace. The houses are 3-storey, basement and attic, with 3-bays, finished in brick with a slate mansard with dormers behind a coped parapet and sash windows with glazing bars. To the rear, the original 3-storey bay outrigger has been altered by a later 2-storey extension finished in render. The special interest of the LB, insofar as it relates to the appeals, is associated with the regular pattern and traditional design and construction of its sash windows.
8. The list entry for the LB identifies that it forms a group with the Grade II listed buildings to either side: “91, 93 and 95, Camberwell Grove” (Ref: 1378416) and “Numbers 105-117 and attached railings” (Ref: 1378418). These date from the late 18th century and are formed of 3-storey, basement and attic, 3-bay houses in yellow brick with a slate mansard with dormers behind a coped parapet. Most houses appear to have single-glazed, 6 over 6 sliding sash windows with glazing bars. Notwithstanding some variation, the LB group is united by the regularity and consistency of the distinctive 18th century façade including the repeating traditional fenestration.
9. Flats 3 and 4 occupy the first and second floors of No 97, respectively. The proposal would be the replacement of the 6 first and second floor windows in the principal elevation together with the replacement of the 4 first and second floor windows in the rear outriggers.
10. The existing front elevation windows are taller at first floor level than at second floor, but they are similar 1 over 1 single-glazed timber sliding sash windows with scroll-type horns. Internally, they are set in simple moulded surrounds with no shutters or shutter boxes. At the time of my visit, there were visible remains of lines of adhesive around some of the frames although no secondary glazing was in place.
11. Camberwell Grove suffered bomb damage during World War II, necessitating repair and rebuilding in the post-war period. In this regard, photographs of the frontage from the 1960s and 1970s illustrate that while Nos 91-95 apparently retained historic 6 over 6 sliding sash windows, windows in many other houses

in the terrace, including No 97, were replaced by 1 over 1 sash windows. Subsequently, the majority of houses, and the ground floor of No 97¹, appear to have reinstated traditional single-glazed 6 over 6 sash windows to their frontages. Consequently, the 1 over 1 windows are not authentic and they are markedly out of keeping with the prevailing historic pattern of fenestration in the terrace. As such, and as found by Inspectors elsewhere², the reinstatement of traditional 6 over 6 sliding sash windows would be acceptable in principle.

12. To the rear first floor level, there is a casement window in the 2-storey outrigger extension and a 6 over 6 single-glazed sliding sash window with simple chamfered horns in the original bay outrigger, the latter appearing to match the windows in the main rear elevation. Both these windows are in deep shutter surrounds, but the sash window with horns is unlikely to be original. The rear second floor windows in the bay outrigger are 6 over 6 single-glazed timber sliding sash windows. Although without shutters, the glazing pattern and absence of horns suggests they may be earlier than the other windows. In the absence of a substantive survey to establish their age, significance or condition, there appears to be little historic or architectural justification for the wholesale replacement of the rear windows.
13. All replacement windows would be 6 over 6 double-glazed sliding sash. Frames would have wide ovolo glazing bars and either decorative scroll or simple chamfered sash horns. The slimline glazing units would be fitted with Crown glass. Timber-frames and multi-panes would be appropriate to the age and character of the LB. However, the modern glazing, glazing bars and scroll sash horns would not be historically or architecturally in keeping with the Georgian window style that characterises the LB and the wider terrace.
14. The excerpt from the window company's website states that the slimline units are virtually undetectable from single-glazing because they do not have the same double or distorted reflections sometimes seen with standard double glazing. The appellant considers it would be possible to detect a slight double reflection, but the double-glazing would be close to undetectable and he suggests that the Council failed to take into account technical advancements in double-glazing. However, the Inspector at 42 Trinity Street found that the narrow sandwich depth of 10mm wide units would be noticeable and discernible from single-glazing even allowing for the use of putty. On the basis that the units in this case would be 11-12mm thick, it seems reasonably likely that they would be similarly noticeable and distinguishable from neighbouring windows.
15. Modern double-glazing would also be unlikely to replicate the visual effect achieved by the nearby traditional multi-pane windows, where the separate panes each reflect the light in subtly different ways and angles. In this regard, the broken and flickering patterns of sunlight and reflected street trees and buildings make a positive visual contribution to the historic character and appearance of the terrace. I note the suggestion that Crown glass would ensure an authentic hand-made external reflection. However, I am not aware of local examples of slimline double-glazing with Crown glass, and there is little compelling evidence to demonstrate it would be indistinguishable from the single-glazing that characterises the listed buildings.

¹Listed building consent (Ref: 04/AP/2170) granted in 2005 for works described as including "the installation of 'Georgian' glazing bars and shutters to ground floor front windows".

² Refs: APP/A5840/Y/19/3226450, 45 West Square; APP/A5840/W/16/3161482 and APP/A5840/Y/16/3161483, 43 Trinity street; APP/A5840/Y/17/3188998, 42 Trinity Street.

16. There is no dispute that the proposed ovolo glazing bars and sash horns would not be historically accurate or authentic, being out of keeping with the typically slender elongated ovolo or lambs tongue glazing bars of nearby windows. In this regard, the Council considers that the replacement ground floor windows in No 97 set a precedent for the scheme. The appellant accepts this and suggests that revised window details could be secured by planning conditions.
17. However, and with reference to the Planning Practice Guidance, there appears to be no clear justification for a pre-commencement condition requiring the submission of a new set of plans for approval. Moreover, while the appellant considers that there would be no difficulty in amending the width of the glazing bars, no amended plans have been provided to demonstrate the elegant historic window form that typifies the late 18th century townhouses. Therefore, the proposal fails to demonstrate that the special interest of the LB would be preserved. Notwithstanding that the replacement of the 1 over 1 sash windows may be acceptable in principle, the absence of acceptable plans is not a matter that could be properly addressed by the imposition of conditions. The frame details would in any case not adequately mitigate the harm.
18. Consequently, from the street and in juxtaposition with nearby traditional windows, particularly Nos 91-95, the proposal would be conspicuous and it would not be integrated into the historic built environment. In any case, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of public views of the building. In this regard, and as found by the Inspectors at West Square and Trinity Street, the introduction of double-glazing into a terrace characterised by standardised design and construction, including single-glazed windows, would be an alien and unsympathetic intervention that would not preserve the special interest of the LB.
19. My attention has been drawn to planning permissions and consents elsewhere. Replacement timber double-glazed windows were permitted at Flat D, No 195 (Ref: 17/AP/3380). No 195 is in the CA, but it is not a listed building nor does it form part of the distinctive and harmonious Camberwell Grove terraces. That scheme also differs from the appeal scheme because the approved windows would match the windows in other flats in No 195. Slimline double-glazed sash windows were approved at 48 Sussex Street (Ref: 23/02441/FUL) and consented at 62-64 Horseferry Road (Ref: 23/03668/LBC), these being respectively an unlisted building of merit in Pimlico CA in use as a single dwellinghouse and a listed building in Smith Square CA in office use. Both of these are in a different surrounding context and authority area. Schemes elsewhere, including Merton College Oxford, are not directly comparable and they do not provide the context nor a justification for the proposal.
20. The proposed windows would be discordant and inauthentic features that would detract from the LB and disrupt the harmonious historic façade. The diminution of the historic and architectural significance of the LB would detract from the LB group as a whole and therefore the proposal would fail to preserve the special interest of the LB group. The harm to the well-preserved 18th century terrace would also diminish the strong sense of place and local distinctiveness of the area. On the basis that the front elevation windows would be prominent in the street scene and the townscape, the proposal would be capable of harming the character and appearance of the wider CA.

21. Given the above, I find that the proposal would fail to preserve the special interest of the listed building, the listed building group and the significance of the CA. Accordingly, I give this harm considerable importance and weight in the planning balance of these appeals.
22. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of the assets and any such harm should have a clear and convincing justification. Given the scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
23. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
24. The appellant is of the opinion that the proposal would be beneficial because the double-glazing would reduce condensation and the increased thermal insulation and energy efficiency would contribute to climate change mitigation. The submitted energy statement calculates that the proposal could save up to 20% of potential energy consumption and carbon dioxide emissions. However, there has apparently been no assessment of the comparative benefits that could be achieved by alternative solutions including repair and draughtproofing of the existing windows, secondary glazing or more thermally efficient modern single glazing. Even so, improved energy efficiency would be a public benefit.
25. I note the suggestion that the proposal would contribute to noise mitigation. However, there is little evidence that either flat, both of which are set back and elevated above the residential street, provides an unacceptable standard of living conditions in this regard. A return to an authentic 6 over 6 sash window style would be a public benefit, but the proposed windows would not be authentic. Moreover, while the existing 1 over 1 windows are acknowledged to be out of keeping with the historic Georgian pattern of fenestration, they nevertheless illustrate the significant history of the LB and the area during the 20th century. There would be limited economic benefits during the works. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. There is little evidence that the appellant would not maintain the property if the appeal should fail.
26. Paragraph 164 of the Framework attaches significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings. Even so, the policies that protect designated heritage assets continue to apply where listed buildings and conservation areas would be affected. In this regard, the Framework advises that the harm to heritage assets should be given great weight in the planning balance. Consequently, the limited benefits would not be sufficient to outweigh the harm that I have identified.
27. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building, the Grade II listed building group, and the character or appearance of the Camberwell Grove Conservation Area would be neither conserved nor enhanced. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and

conflict with policy HC1 of the London Plan Adopted March 2021 and policies P19, P20 and P21 of the Southwark Plan 2019-2036 Adopted February 2022. These policies seek, among other things, to ensure that proposals avoid harm to the significance of heritage assets including listed buildings and conservation areas. As a result, the proposal would not be in accordance with the development plan.

Conclusion

28. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR