



Appeal Decision

Site visit made on 12 July 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/C5690/D/23/3336120

17 Mount Ash Road, Lewisham, London SE26 6LZ

- 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 Mrs Maria D'Souza against the decision of London Borough of Lewisham.
 - The application Ref is DC/22/128225.
 - The development is described as installation of replacement uPVC double-glazed windows in the elevations at 17 Mount Ash Road SE26.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of windows on the front elevation.
2. The appeal is allowed insofar as it relates to the replacement of windows on the rear elevation at 17 Mount Ash Road, Lewisham, London SE26 6LZ in accordance with application, Ref DC/22/128225, and subject to the following 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: Site Location Plan; Rear Elevation Photograph and Window Schedule (Rear Elevation).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

3. I have used the Council's description of development which is more precise than the planning application form; I note the Appellant also uses this description on the appeal form.
4. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)
5. The National Planning Policy Framework (the Framework) was revised in December 2023 after the Council's decision and the submission of the appeal. The revisions to the Framework do not alter the parts therein upon which this

appeal turns, so I have had regard to its content, and I am satisfied that this has not prejudiced any party.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host property and the Sydenham Hill/Kirkdale CA.

Reasons

7. The appeal building is a mid-terrace house. Many properties on the street retain features characteristic of their period such as timber windows, white window heads, glazed lights above front doors and decorative architectural banding. The appeal property's front elevation addresses the street and, as a result, is highly visible within the CA. The character of this part of the CA and its significance stems from, amongst other aspects, the arrangement of terraced properties, set along a consistent building line, a little way back from enclosed frontages. The high level of survival of architectural detailing and the overall uniformity in the design of the buildings, from my observations, are of particular importance in this part of the CA, and as a whole. Whilst the appellant indicates that they are not original, the appeal property's timber windows make a positive contribution to the character and appearance of the CA, as do its window heads and glazed front door light.
8. I acknowledge that modern window materials, such as uPVC, have been used on other residential properties in the CA. However the majority of front elevation windows on Mount Ash Road appear to be timber. Whilst the level of maintenance of the timber windows may vary, the use of the same material ensures a visual unity across the front elevation of properties in the terrace. The replacement windows would be constructed in uPVC frames, and this would introduce a new material and finish to the appeal building that does not currently exist. uPVC is a material that has an artificial texture and a more uniform finish, when new and when ageing, than painted timber windows.
9. It is put to me that the use of conservation style uPVC double glazed windows is not unprecedented and can be viewed as acceptable when executed with high quality materials installed by highly skilled labour. Nevertheless, as a result of the material, it is likely that it would still be possible to discern the new windows as discordant insertions that appear incongruous alongside the remaining timber windows within the elevations of properties within the terrace.
10. I acknowledge that the appeal decision relating to 29B Camplin Street¹, New Cross involved a building considered to have historic interest. However, it is located in a different conservation area in a different part of the borough. It is therefore not entirely comparable to the present case. Whilst in that case the Inspector allowed unauthorised uPVC replacement windows in a CA, I am required to reach conclusions based on the individual circumstances of this appeal. Although the appellant has provided the decision notices, I have not been provided with further details such as submitted drawings or officer reports in relation to 36 Mount Ash Road² or 48 Mount Ash Road³. The decision notice suggests that the proposal at 36 Mount Road involved the installation of

¹ APP/C5690/W/18/3210281

² DC/15/90582

³ DC/12/80797

replacement timber windows on the front elevation, rather than uPVC windows as in the proposal before me. In any event, in sensitive historic environments such as this, the impact and implications of even small-scale changes must be considered on a case-by-case basis.

11. The main parties agree that the proposed replacement of windows on the rear elevation of the property would not have an adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the replacement of windows on the rear elevation would preserve the character and appearance of the CA.
12. While I note that the principle of double glazing is supported by the Council, for the above reasons, I conclude that the proposed development, due to the materials and finish of the windows would harm the character or appearance of the host property and the surrounding area. It would therefore fail to preserve the character and appearance of the CA, as a whole. I therefore find that it would conflict with Policy 16 of the Lewisham Core Strategy (2011) and Policies DM 30, DM 31 and DM 36 of the Lewisham Development Management Local Plan (2014). Amongst other aspects, these policies seek to ensure that the historic environment is safeguarded from harm, the value and significance of conservation areas are maintained, and new development is of a high standard of design that respects local character.
13. In failing to preserve the character or appearance of the CA, I find that the proposed development would, in the words of the Framework, result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits.
14. The appellant considers the proposal would be of benefit because it would improve the flat's thermal efficiency, security and fire resistance, whilst helping reduce noise transmission, maintenance, domestic energy consumption, and reliance on domestic boilers which contribute to greenhouse gases and can be harmful to air quality. I am sympathetic to the appellant's concerns in relation to the current climate, energy and cost of living crisis. However, I have not been presented with evidence to demonstrate that alternative measures such as secondary double glazing or replacement timber windows could not provide similar performance improvements. As such, I attribute only limited weight to this potential benefit. This does not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Other Matters

15. The appellant has requested the issuing of a split decision in so far as the proposal relates to the replacement windows on the rear elevation. The Council did not raise any concerns with this element. I also find no harm in this regard. These parts of the appeal proposal are clearly physically and functionally severable from the replacement of windows on the front elevation, thus I am able to issue a split decision.

16. Whilst I note the Council's concerns in relation to the submitted drawings, I have found the level of detail sufficient, and I have determined the appeal on this basis.

Conditions

17. The Council has suggested conditions in the event of the appeal being allowed. As I am issuing a split decision, the conditions apply to the replacement rear windows only.
18. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
19. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. A further condition requiring the use of matching external facing materials is also imposed in the interests of character and appearance.

Conclusion

20. The replacement of the windows on the front elevation would harm the character and appearance of the host property and the CA. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed in respect of the replacement windows on the front elevation.
21. For the reasons given above, I conclude that the appeal should be allowed in respect of the replacement windows on the rear elevation.

B Pattison

INSPECTOR