
Appeal Decisions

Site visits made on 8 October and 3 December 2024

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal A: APP/F5540/W/24/3346038

8-10 Bath Road, London, W4 1LW

- 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 Sheppard's Bush Housing Group against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: P/2023/3353 (00084/8-10/P1), dated 16 October 2023, was refused by notice dated 14 December 2023.
 - The development proposed is described as 'replacement of existing timber framed single glazed front windows with new timber framed double glazed windows to match the existing'.
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Appeal B: APP/F5540/Y/24/3346037

8-10 Bath Road, London, W4 1LW

- 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 Sheppard's Bush Housing Group against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: P/2023/3356 (00084/8-10/L1), dated 16 October 2023, was refused by notice dated 14 December 2023.
 - The proposed works are described as 'replacement of existing timber framed single glazed front windows with new timber framed double glazed windows to match the existing'.
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Decisions

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

Procedural Matters

2. I have visited the appeal site on two separate occasions. I undertook an external inspection of the windows of both properties from ground level. I was also able to gain internal access to Flat B at 8 Bath Road, and Flats A, B and D at 10 Bath Road. Access was unavailable at the other flats on both occasions.
3. The Appellant's Design and Access Statement, dated October 2023, contains several inaccuracies. It is stated that the appeal properties fall within the London Borough of Hammersmith and Fulham, and that 'no designations are associated with the subject site'¹. In fact, the site is within the London Borough of Hounslow, and the properties are both Grade II statutorily listed and fall within the Bedford Park Conservation Area.

¹ Page 2, Design and Access Statement

4. The descriptions in the headers above, taken from the application form, refer to 'front windows' but the proposal relates to windows on all elevations of the buildings.

Main Issues

5. The main issues are: (1) whether the details submitted to replace the existing timber framed single glazed windows with timber double glazed units are sufficient to make a proper determination; (2) whether the proposals would preserve two Grade II listed buildings, and any special features of architectural or historic interest they possess; and (3) whether the character or appearance of the Bedford Park Conservation Area would be preserved or enhanced.

Reasons

6. Both appeal properties are Grade II listed and are located on the southern side of Bath Road close to Turnham Green Underground Station. The listing descriptions for both properties are brief: Nos 6 & 8, comprising a pair of semi-detached properties, is described: 'a pair with moulded brickwork to entrances; No 6 has single-storeyed bay; No 8 has full height, roughcast bay, with overhanging, gabled upper part'. The listing description for No 10 notes: 'gable to road with 2 oriel windows; bay to return elevation, with shaped gable above and added iron staircase'. Both listings date from 1970.
7. The appeal properties comprise mainly red brick elevations, but with elements of tiling and roughcast finishes. Both properties have distinctive gables and white painted multi-paned single glazed timber casement windows, and some timber sash windows. The buildings are in the 'Queen Anne Revival' style. The properties are enclosed by distinctive white painted railings fronting the street, with decorative timber gates. The special interest and significance of both the listed buildings derives primarily from their external appearance, especially their high-quality architectural composition which externally remains largely intact and unaltered. The significance also derives from their prominent role in the street scene on Bath Road, as well as having a wider group value with other Grade II listed properties in the vicinity, and the contribution to the character and appearance of the Bedford Park Conservation Area, within which the properties are located.
8. The Conservation Area Appraisal ('the Appraisal') identifies Bedford Park as 'probably the best known and best preserved later Victorian suburb in outer London', serving as a prototype for later garden cities. It was begun in 1875 under the direction of Jonathan Carr, a cloth merchant, using various architects including Richard Norman Shaw, Edward William Godwin, and Edward John May. The Appraisal notes that Bedford Park has long served as a prototype for later garden suburbs and observes that the 'novelty' of Bedford Park is the 'artistically designed' houses of moderate size inspired by the red brick and tiled idiom derived from the home counties vernacular of the 17th and 18th centuries and the Queen Anne revival. The overall design aesthetic of the Conservation Area is a reaction against mid-Victorian ostentation.
9. Many of the properties in the Conservation Area display 'Arts and Crafts' features, including rubbed brick arches and dressings around openings, terracotta embellishments, shaped Dutch gables, tile hung walls, white painted balustrades, and monumental chimneys. Carefully designed front garden walls and fences, as well as hedges, contribute to the character, with a variety of

boundaries rather than a consistent approach, providing interest rather than uniformity. The significance of the Conservation Area derives from the architectural merit of the buildings, and the legibility of the housing as cohesive groups within the Bedford Estate. The apparent informality, without formal squares or crescents, creates an intimate character. The appeal buildings, underpinning and reflecting the area's distinctive townscape, make a valuable contribution to the character and appearance of the Conservation Area as a whole.

10. The proposals are to replace the existing windows with double glazed timber frames. The appeals are accompanied by a Survey Report by Springview Windows Ltd², a window supplier and installer, which was primarily an external inspection, apart from Flat C, 8 Bath Road which was internally inspected. This brief Report concludes overall that 'the windows are in a poor condition and require replacement', and also notes that 'the glazing is inefficient, leading to poor thermal performance and heat loss'. The Report is accompanied by some photographs.
11. In addition, a series of individual survey schedules, again brief, for most of the flats have been submitted following inspections undertaken in May 2024. Surveys for three of the flats³ are of a different format, a little more detailed, and were undertaken in April 2024. Notably, all these surveys were undertaken after the original applications for planning permission and listed building consent were determined, but shortly before the appeals were lodged. It is unclear who is the author of these survey schedules, or their field of expertise. The underlying theme is that the windows are beyond repair. Observations for many of the flats are that the windows are 'defective' with evidence of 'rot and decay', which 'aids heat loss, draught and increase in energy costs'. In many instances, it is noted that 'it would be more economical to replace these units than repair' and that 'it would be more cost effective to replace completely'.
12. Given that the building is Grade II listed and within a Conservation Area, I share the Council's concerns that no proper heritage assessment of the building has been undertaken. The submitted surveys do not engage with the history of these Grade II listed buildings, nor do they examine the existing windows from a heritage standpoint. Rather, the surveys appear to default to a position where replacement of the windows is the preferred option largely on economic grounds, that it would be 'more cost-effective' than repair, and that new double glazed units would be more energy efficient. There is limited analysis of the scope for repairing and retaining the existing windows, and the possibility of secondary glazing is largely discounted, as amongst other things, being inconvenient for users, involving a two-step process for opening, restricting access for cleaning purposes, and likely affecting residents' curtains and blinds.
13. From my inspection of the buildings, both externally and internally, as well as examining the photographs supplied in the evidence, I consider the surveys generally overstate the poor condition of the windows. It is clear that some of the windows appear to have suffered from a period of neglect and general lack of maintenance. Some are in poorer condition than others. The windows have clearly not been externally painted for some time, with glazing putty missing in places. There is some limited and localised rot in certain windows. All that

² Dated 29 December 2022, undertaken by Nikolay Pavlov

³ Flats B, C, and D at No 8

said, from what I could see, many of the existing windows appeared to be in sound condition, and certainly not beyond renovation or repair. In fact, some of the surveys record that 'if SBHG choose to refurbish the existing windows, then this could take several days to complete each property'. This observation would appear to suggest that the windows are not beyond repair⁴. It seems to me that a proper heritage assessment of the building, including of the windows, needs to be undertaken before any approval can be given to their replacement.

14. I am also concerned that, although basic drawings have been supplied showing how the windows would open including specifying the overall dimensions to fit the apertures, no detailed drawings or information are provided as to the form of their construction. Although it is claimed that the windows will match the existing ones, few precise details are supplied. For example, there is no information on the glazing profiles in terms of whether they would be 'lamb's tongue' or 'ovolo'. It is not clear from the drawings whether the glazing bars would be applied or integral. The schedule simply refers to 'Georgian bars double glazed' which is not the correct architectural period, and in any event double glazing is a modern form of glazing. Double glazed windows often have a different appearance compared with traditional single glazed units. For example, the frames and glazing bars may be thicker to support the increased width of the double panes. The glass may have a different reflective quality, compared with the more matt, uneven finish and appearance of a traditionally glazed window. These matters have not been properly addressed in the evidence.
15. The Appraisal for the Conservation Area notes under 'Pressures on the area' the potential 'loss of original fabric' of properties, and that 'upgrading of insulation standards leading to incorrect window component proportions are all detrimental to the character of the buildings and the area'. Based on the information before me, I find that the proposal to replace the windows would result in harm to the listed buildings and loss of significance. I consider that the listed buildings and their intrinsic qualities, including the design and form of the existing windows, contribute to the character and appearance of the Conservation Area. It follows, therefore, that the harm I have identified to the listed buildings mean that the character and appearance of the Conservation Area would not be preserved in accordance with the relevant legislation⁵.

Planning Balance

16. The National Planning Policy Framework ('the Framework')⁶ advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation⁷. The Framework further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification⁸. In this case, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, the Framework advises that this harm should be

⁴ Surveys for Flats B, C & D, 8 Bath Road. The surveys state this would only be a 'temporary solution'.

⁵ S72(1) Planning (Listed Building and Conservation Areas) Act 1990

⁶ Published December 2024

⁷ Paragraph 212 of the Framework

⁸ Paragraph 213 of the Framework

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use⁹.

17. In support of the appeals, the Appellant has put forward the benefits of new windows in terms of their energy saving qualities, thermal efficiency and improved security. The improvements to tenants' living conditions is also mentioned including reduced heat loss, condensation and noise. Set against this is the inadequacy of the information provided to justify the appeals, and the absence of a proper heritage assessment of the buildings. It is far from clear that replacement of the windows is the only available option. On the information before me, I consider harm would arise because of the loss of the existing fabric of the building comprising the windows, as well as the lack of adequate detail in terms of any potential replacements. The appeal properties' current use as residential flats, together with the fact that they appear to be in generally sound condition overall, means that these works would not hold any benefits in securing the optimum viable use of these buildings. Overall, I do not consider that these matters in support of the appeals constitute the necessary public benefits that would outweigh the identified harm.
18. The relevant legislation requires that, in exercising planning powers in relation to listed buildings, special regard shall be had to preserving the building or its setting, or any features of special architectural or historic interest it possesses¹⁰. In exercising planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹¹. Overall, I find that the scheme would fail to preserve the special architectural or historic interest of the Grade II listed buildings, and would fail to preserve the character and appearance of the Bedford Park Conservation Area in accordance with the relevant legislation.
19. The scheme would conflict with Policy CC1 (Context and Character) of the Hounslow Local Plan (2015-2030) which seeks to ensure that all new development conserves and takes opportunities to enhance the special qualities and heritage of the borough's places; Policy CC2 (Urban Design and Architecture) which promotes high quality urban design and architecture to create attractive, distinctive and liveable places; and Policy CC4 which requires development proposals to conserve and take opportunities to enhance any heritage assets in a manner appropriate to their significance.
20. For the reasons above, I conclude that both the appeals should be dismissed.

Matthew Nunn

INSPECTOR

⁹ Paragraph 215 of the Framework

¹⁰ S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

¹¹ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990