



Appeal Decision

Site visit made on 15 January 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Appeal Ref: APP/E5900/W/24/3349879

Flat 2, 14 Casson Street, London E1 5LA

- 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 Ms Monica Paolini against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/00613.
 - The development proposed is replacement of current windows for double-glazed PVC windows
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the appellant amended the replacement window proposals. Several sets of drawings have been provided as part of the appeal, and the appellant has indicated that they would like to have the drawings they first provided to the Council approved through this appeal process. The Council has confirmed that its appeal case is based on the refused amended drawings. In line with the Procedural Guide: Planning appeals – England Updated 17 September 2024, it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council. My decision is therefore based on the plans listed in the Council's Decision Notice.
3. In the banner heading above I have referred to the description of the proposal set out in the Council's Decision Notice, as this describes the proposal more succinctly than that contained within the application form.
4. The appellant has indicated that they would accept a split decision to gain planning permission for the replacement of the side elevation bedroom window. However, in order to maintain the architectural integrity and consistency that contributes to the significance of the building as far as practicable, the replacement of the windows should be considered collectively. I have thus considered the proposal as a whole.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the non-designated heritage asset (NDHA) at 14 Casson Street.

Reasons

6. The appeal building comprises a 4-storey traditional warehouse that has been converted into residential use. The building is finished in a combination of red and yellow brick, with prominent vertical columns, decorative brickwork banding and

window headers. The existing windows are single glazed, in a Crittall style with symmetrical metal gridwork and central opening mechanisms.

7. The appeal building is not statutorily listed, nor located in a conservation area. There is also no evidence before me that the building is featured in a local heritage list. However, this is not a pre-requisite for it being considered a non-designated heritage asset (NDHA). The Planning Practice Guidance (PPG) indicates that, in some cases, local planning authorities may identify NDHAs as part of the decision-making process on planning applications. The Council's Design and Conservation section has identified the building as such, and the evidence indicates this has been recognised through previous planning decisions.
8. The building remains a well-preserved example of Victorian industrial architecture. Its brickwork and fenestration are integral to its significance and character. I saw on my site visit that its prevailing features can be appreciated from public vantage points, and it remains a relatively prominent building that positively contributes to the street scene and the legibility of the history of this area. The evidence and my own observations therefore lead me to conclude that the building is of sufficient value to be considered a NDHA.
9. Paragraph 216 of the National Planning Policy Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The appeal proposal would replace the existing windows at first floor with new uPVC framed double-glazed windows, with a tilt and turn opening mechanism and astragal glazing bars, in an anthracite grey colour.
11. While the number of panes would appear the same, the plans before me show that the design of the frames would be noticeably different, with uncharacteristically thick vertical framing in each window contrasting with the narrower astragal bars in between. This would appreciably differ to the relatively delicate framing and symmetry of the existing windows, which adds to the character of the building.
12. The inconsistency in the appearance of the windows would be amplified by the retention of the existing windows above and below that serve separate units. This discrepancy would be particularly noticeable on the front elevation of the building which is clearly visible in several public vantage points. While uPVC windows can be found in neighbouring buildings, their use in this case would appear incongruous in the context of the age and style of the building, and in contrast with the traditional materials and appearance of the retained windows.
13. I recognise that the ground floor frames on the front elevation differ to those of the upper floors in terms of both their height, the size of the central opening and the number of panes across. Nevertheless, these are considerably more sympathetic to the design and materiality of the upper floor windows than the appeal proposal.
14. Ultimately, the proposed windows would appreciably differ from the existing windows in terms of their appearance, materiality and opening size and would significantly detract from the prevailing character and appearance of the building. This would have an unduly harmful effect on its significance as an NDHA.

15. The installation of uPVC windows may be more affordable than some alternatives, including steel frames. However, it has not been demonstrated that other options would be financially unviable. The appeal proposal may also help the appellant get permission to rent the flat, should they choose to do so. There is no compelling evidence that these considerations would deliver any public benefits.
16. The use of uPVC in the replacement windows would improve energy efficiency. The proposed window design would also create a larger opening, which the appellant advises complies with fire safety requirements. However, the extent of any energy performance gain for the building or flat is not clear from the evidence. Additionally, the existing fire safety arrangements for the building are not before me and it has not been shown that the appeal proposal is the only means by which such improvements in energy efficiency and fire safety could be achieved. Overall, it has not been demonstrated that the public benefits of the appeal scheme would be sufficient to outweigh the identified harm.
17. I recognise that the appellant has had regard to alternative options in terms of the materials and design of the proposed windows. Notably however, an alternative approach has been achieved for the ground floor windows that preserves the character and appearance of the building. While the use of secondary glazing has been discounted by the appellant due to concerns over condensation and due to damage to the existing glass, this does not appear to have been investigated in detail. Moreover, it is not clear from the evidence why the existing glass cannot be replaced. Overall, it has also not been demonstrated that all reasonable efforts have been made to mitigate the extent of harm.
18. In conclusion, the proposal would harm the character and appearance of the NDHA at 14 Casson Street. It would be contrary to Policy HC1 of The London Plan March 2021 and Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 Adopted January 2020. These policies, among other provisions, seek to ensure that developments meet the highest standards of design, including by ensuring the design of detailing, elements and materials applied on elevations complements and enhances their immediate and wider surroundings, and that proposals preserve, or where appropriate, enhance non-designated heritage assets, including justifying any harm having regard to public benefits and demonstrating that all reasonable efforts have been made to mitigate the extent of harm to the significance of the asset.
19. I have not identified any direct conflict with Policies D1 or D4 of the London Plan. These policies set out requirements for Boroughs when preparing development plans and undertaking area assessments, and concern the use of tools for design analysis, design review processes and maintaining design quality through to completion. I do not consider them to be directly relevant to this main issue.

Conclusion

20. The appeal proposal conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR