



Appeal Decision

Site visit made on 8 April 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/A5840/Y/24/3350702

137 Friary Road, Southwark, London SE15 5UW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Mr George Ewart-Perks against the decision of the Council of the London Borough of Southwark.
 - The application Ref 24/AP/1486 sought to vary condition No 4 of a listed building consent Ref 23/AP/1744 granted on 23 August 2023.
 - The works proposed are:
 - Rear extension within garden with glass doors, rooflights and lead cladding.
 - Removal of internal walls to reconfigure the kitchen, utility and GF bathroom.
 - Reconfiguration of rear part of rooms at 1st floor to form an en-suite bathroom.
 - Replacement external windows.
 - Loft insulation.
 - Solar PV panels.
 - The condition in dispute is No 4 which states that: Prior to the commencement of the relevant works, detail drawings (1:20 scale elevations and larger scale 1:5 or 1:2 detailed cross sections) of all the proposed windows shall be submitted to the Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given. The detail drawings should include top rail (including sash box), bottom rail and cill (including sash box) and should show how the window unit sits within the window reveal and relates to the existing cill.
 - The reason for the condition is: In order to ensure that the design and details are in the interest of the special architectural and historic qualities of the listed building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The listed building consent in 2023¹ permitted the replacement of all windows to the front elevation and the first floor windows to the rear. The consent includes a plan (Ref.3000 Rev.F) which shows the approved detail for sash windows which are considered to be of a more appropriate design. This plan is identified in the Plans Condition (No.1) of this consent. Condition No.4 requires the submission of detailed window drawings to the Council for approval. The appellant wishes to revise the window detail shown in Plan Ref.3000 Rev.F, and this is the subject of this appeal. Although the appellant has applied to vary Condition No.4, it is the Plans Condition (No.1) which would need to be varied to take account of the revised drawing. Regardless of the outcome of this appeal, Condition No.4 would remain the same.

¹ Ref.23/AP/1744

3. The appellant advises that whilst it is still the intention to install authentic heritage sash windows and to reinstate the agreed window design, the approved vacuum insulating glass and through-bar profile does not exist on the market and is not feasible for the present windows. Instead, a revised detail is proposed, which is described as an applied high quality astragal profile solution that allows high performing vacuum insulation glazing and has the closest appearance to historic single glazing. It is suggested that the proposed vacuum insulated glazing units would deliver U-values comparable with modern double glazing.
4. During my visit, I saw that the first floor windows at the rear did not reflect those photographed and described in the appellant's design and access statement. The photograph appeared to show side-hung timber casements. Whilst the windows I saw may reflect the proposed window detail, I am not certain of this. I have therefore based my decision on the drawings and other details submitted with this appeal.
5. I have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issue

6. The main issue is whether the proposed change to the window design and construction would harm the special architectural and historic interest of a Grade II listed building, and whether its significance would be preserved.

Reasons

7. The appeal property forms part of 127-151 Friary Road, a Grade II listed building (Ref.1385537). The list description mentions that it is a terrace of houses, dating from the early 19th century, with some rebuilding. It describes, amongst other things, their architectural detailing including the front windows.
8. The houses comprising the listed building have retained a significant number of historic features and it is a good example of a Georgian terrace. To the front elevation, I saw that most of the windows in the terrace are predominantly painted, timber, vertically sliding sash windows set within arched heads to the ground floor and square-headed sash windows above. Most windows are subdivided into small panes by profiled glazing bars and appear to be single glazed with the glass mainly putty fixed. Although I saw some variations to this arrangement, the overall consistency of sash windows and opening forms contribute to the special interest and significance of the terrace. This can be appreciated from the street frontage. Public views to the rear are restricted but from what I could see there has been more adaptation and extension, but this is generally respectful of the age and character of the properties and is on view to surrounding occupants.
9. The special interest and significance of the listed building, for the purpose of this appeal, mainly derives from its age, form, historic fabric, function and the consistency of architectural detailing. Overall, the appeal building reflects the positive characteristics of the listed building as a whole.

10. The existing ground floor sash windows at the appeal property are set behind the brick arched opening. This has allowed a more conventional, rectangular, six pane upper sash to be installed rather than an arched top sash set within the opening. The upper sash also has wider glazing bars compared to the lower sash. Examples of arched top sash windows, some with a sunbeam design, and uniform glazing bars can be seen nearby and are probably more representative of the historic design. Nevertheless, despite the shortcomings of the design of the existing windows in the appeal property, they are of traditional sash window construction with single glazing, structural moulded glazing bars, sash boxes and cords, and the glass is secured with putty.
11. On the first floor of the appeal property, the existing sash windows are noted as being non-original as an historic photograph shows a shorter window with a decorative raised sill. However, I saw on site that the current sash windows appear to be representative of a period sash window consistent with others in the terrace. To the rear, whilst mindful that the upper windows have been replaced, the submitted evidence suggests that these were modern casements and positioned within a more recent part of the building.
12. As part of the consented scheme, the Council has accepted that the windows to the front and rear first floor can be replaced with slim, vacuum double glazing. The officer report commented that the replacement windows would be of a more sympathetic design; a decision predominantly driven by the wish to reinstate the arched top sashes to the ground floor. The officer report mentioned that the decision was made using the advice note published by Historic England 'Traditional Windows – Their care, repair and upgrading' 2014 (Historic England Guidance). This advises that conventional double glazing is not usually acceptable on listed buildings due to its inherently modern appearance, thicker sections and the creation of 'double reflections'. However, it states that slim-profile double glazed replacements may be permissible where the new windows would be of a more sympathetic and appropriate design and the significance of the building would not be harmed (page 63).
13. Drawing Ref.3000 Rev.F of the consented scheme shows the approved, indicative detail for each of the window designs to the front and rear, together with a section of a glazing bar. This section indicates a structural glazing bar with a lamb's tongue internal moulding, slim vacuum heritage glazing, and the glass secured with putty. The officer report mentioned that the use of vacuum glazing would avoid the creation of a thick 'sandwich depth' effect or double reflection and would allow for appropriately thin glazing bars. The detail for each window was considered to be an improvement to the overall appearance of the property and the wider terrace. Therefore, following the Historic England Guidance, the Council accepted the use of 'vacuum' glazing in this instance only, based on the individual circumstances. Furthermore, I note that the approved glazing bar section appears to correspond with one of the examples in the Historic England Guidance illustrating slim profile insulated units.
14. Although the proposed front windows would still be painted timber box sashes and would have a similar thickness of double glazing to the consented scheme, each sash would be one glazed unit. Consequently, it would have applied glazing bars with the glass secured with timber beading rather than putty, and integral microspacers would give the impression of separate panes.

15. Looking carefully at the drawn details, photographs of the window samples and other submitted evidence, the applied glazing bars and inserted spacers would not convincingly replicate a traditionally constructed window. In particular, the external part of the glazing bar, proposed as a chamfered timber detail secured with security tape, would not successfully replicate the distinctive nib and putty profile of a structural glazing bar. Timber beading around the perimeter of the frame would also not visibly replicate a traditional putty fixing. The profile, method of jointing and spacers would have the appearance of a modern, technical fabrication rather than traditional carpentry construction.
16. Although at a distance it may not be possible to tell that the proposed windows were not constructed of individual panes, at close view, and alongside the other properties, their non-traditional construction would be very apparent. The smooth and uniform finish of the applied detailing would be quite different to the carpentry skills and putty finish typically expected. Although elements of the modern fabrication would be keyed in to each other, I am not convinced that the glazing bars would appear as an integrally constructed part of the window and traditionally jointed into the frame.
17. It is also not clear to me how the windows would perform in the long term. In particular, whether the applied bars may become detached despite adhesive tape and jointing. Any discolouration within the sealed unit would also extend across the whole window, potentially exacerbating the visual difference to a window constructed of individual panes.
18. Furthermore, there is no adequate explanation as to why the design of the consented windows with vacuum insulating glass and a through-bar profile does not exist on the market and is not feasible for the present windows. This is especially considering that the type of windows and approved glazing bar appears to reflect that in the Historic England Guidance. Even if it could be demonstrated that the product is not on the market, the guidance indicates that suitable alternative products are available which accommodate slim double glazing with structural glazing bars.
19. Windows are often among the most prominent features and an integral part of the design of a listed building and can be indicators of when a building was constructed. The design, materials and details of the construction of historic windows are all important to the aesthetic, evidential and historic value of a building and they contribute to its significance and special interest. It is therefore important that replacement windows follow as carefully as possible the historic details, including method of construction. The Council has consented to replacement double glazed units, following Historic England advice to achieve windows considered to be of more sympathetic design.
20. Technology and traditionally designed windows incorporating double glazed units may have progressed significantly since the Historic England Guidance was published. However, Historic England is the government's statutory advisor on the historic environment, and there is little to suggest that this document has been superseded or that its advice and recommendations are out of date. Historic England has published other documents more recently including advice on energy efficiency but there is no adequate evidence to suggest that this supersedes or contradicts their advice on traditional windows.

21. There may be listed properties elsewhere, which have received consent for the units proposed. However, there is little supporting evidence to explain where these properties are, their significance, or the circumstances surrounding those decisions. In the case before me, the appeal property forms just one part of a terrace. Unsympathetic changes to one property, especially to the frontage, would be immediately noticeable within this terrace and it is important to maintain the authenticity and integrity of the terrace as a whole. This is particularly the case with windows where they are seen in proximity with each other. The Council has already agreed to double glazed units, and it is therefore important that in all other respects their appearance and traditional construction is faithfully respected. Therefore, I am not satisfied that the property examples elsewhere are representative of the appeal before me, and I must make my decision based on the circumstances before me.
22. Considering the above, I find that the proposed change to the window design and construction would harm the special architectural and historic interest of a Grade II listed building, and its significance would not be preserved. Therefore, the expectations of the Act are not met. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework requires that this harm should be weighed against the public benefits.
23. The appellant appears committed to preserving the building and considers that the existing windows have poor thermal insulation, are showing signs of decay, and they have been tackling issues of damp, mould and poor thermal efficiency. Even though improvements to thermal efficiency and maintaining the fabric of a listed building can reasonably be considered public benefits, the Council has already consented to replacement double glazed windows. They may not be as thermally efficient as the ones for which permission is now sought but nevertheless, I see no compelling reason why the consented windows would not adequately address the issues raised. Furthermore, other measures could be employed to improve thermal efficiency, as advocated in the Historic England Guidance. Therefore, thermal improvements as well as improvements to the overall window design can be achieved through alternative means, so avoiding the harm identified to the designated heritage asset as a result of this proposal. As such, I consider that little weight can be given to these benefits.
24. The appellant considers that the Council took a long time to reach its decision on the application and that they were given the impression that the window sample would be suitable. However, these are matters for the Council and do not relate to the merits of this decision.
25. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. In addition, there is no clear and convincing justification for the harm to its significance. It therefore follows that the proposal would not comply with the Framework.

26. Consequently, the proposal would conflict with Policies P13, P14, P19 and P21 of the Southwark Plan (2022), Policy HC1 of the London Plan (2021), in so far as these are relevant, and would conflict with Historic England Guidance. These policies and guidance, amongst other things, seek to protect and enhance the significance of designated heritage assets.

Conclusion

27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR