



Appeal Decision

Site visit made on 12 August 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/U5360/W/24/3356369

40b Colvestone Crescent, Hackney, London E8 2LH

- 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 Miss Suzanna Bliss against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1167.
 - The development proposed is described as proposed works to replace the existing bay windows at the front of the property with double glazed units. Units will use timber frames and replicate the existing fenestration pattern including structural glazing bars and dimension. The units will be 24mm deep (including framework & glazing) to allow for the use of structural glazing bars as in the existing, whilst incorporating double glazing which will help insulate the property. All framework and cills will be painted white as per existing. Proposed works to replace the windows and door at the rear of the property with uPVC casement units. The proposed units will match the dimensions of the existing units and framework, and door will be in White Ash colour.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of the existing bay windows at the front of the property with double glazed timber units and replacement of rear windows with uPVC casement units at 40b Colvestone Crescent, Hackney, London E8 2LH in accordance with the terms of the application, Ref 2024/1167, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Proposed Alterations to Front Elevation 2.0 (received 27 November 2024)
 - Proposed Alterations to Rear Elevations 2.0 (received 27 November 2024)
 - 3) Prior to the installation of the double-glazed timber windows hereby approved, exact specifications for each window to be replaced in the form of drawings at a scale of 1:20 (or as may otherwise be agreed as appropriate) showing sections, profiles and precise glazing bar designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such.

Preliminary Matters

2. The description of the development in my banner heading above is taken from the planning application form. However, the wording of that description includes elements which are not acts of development or which are superfluous. Therefore, in my decision, I have used the description of development on the Council's decision notice which I consider concisely describes the development proposed.
3. The appeal submission includes additional evidence which was not before the Council at the time of its decision. This a set of revised plans which omit the external trickle vents. The Procedural Guide states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. I have considered this additional information taking into consideration the principles established by the Courts in *Holborn Studios Ltd*¹. In this case, the additional information provides further evidence in relation to the Council's reasons for refusal, rather than significant amendments to the proposal. For this reason, I consider that there would be no prejudice to any party, and I have therefore determined the appeal on the basis of this additional information.
5. At the time of my site visit, the uPVC windows and door to the rear elevation appear to have been installed. I noted that the works carried out appear not to accord with the submitted plans. For the avoidance of doubt, I have therefore determined the appeal on the basis of the submitted plans.

Main Issue

6. The effect of the proposed development on the character and appearance of the host property, with particular regard to whether it would preserve or enhance the character or appearance of St Mark's Conservation Area.

Reasons

7. The appeal site comprises a four-storey, mid terraced building which has been sub-divided into flats, 40b is located on the first floor. The properties within the terrace are predominantly constructed of yellow stock brick with red dressings and tiled stringcourses. They feature ground floor bay, decorative corbelling and attractive joinery including timber sash windows and door surrounds which together contributes to a strong and cohesive architectural rhythm to the principal elevations.
8. The appeal site is within the St Mark's Conservation Area (the SMCA). The St Mark's Conservation Area Appraisal dated May 2008 states that the SMCA is centred on the parish church of St Mark's, around which the streets of Victorian speculative development were formally laid out and built up during the mid-1860s. It states that the SMCA is notable for the excellent survival of high quality middle-class Victorian housing, which includes the appeal site.
9. Policy LP3 of the Hackney Local Plan 2033, adopted July 2020 (the HLP) states that proposals affecting Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

10. The proposal seeks to replace existing single glazed timber frame sash windows with new double glazed, timber frame sash windows to the front elevation and to replace the existing timber windows at the rear with uPVC double glazed windows.
11. The Council has not raised any objection to the proposed replacement of the timber, sliding sash windows on the front elevation. Based on the evidence before me and my own observations, I see no reason to disagree with his conclusion. However, the Council did raise concerns about the use of uPVC to the rear elevation, as uPVC is not a material that is considered to be acceptable in a conservation area as it would cause harm to its character and appearance.
12. Based on the evidence before me, I understand that the rear elevation of the appeal building was reconstructed in the 1970s and was constructed using a different type of brick than is typically found on the original rear elevations of neighbouring properties. As a result, the rear elevation does not appear as part of the historic fabric of the building. Furthermore, the windows which appear to have been installed at the time of these works, are not traditional sash windows, but rather they are more typical of 1970s window design.
13. As a result, the existing windows within the rear elevation do not appear in keeping with the traditional elements of the property which have been retained, and which are unaffected by the proposed works. The modern windows whilst mostly timber, do not have traditional glazing patterns. As such, the windows are not positive features of the building, nor reflective of its historic origin.
14. The appellant states that the uPVC windows would be an off-white colour in a matte finish, with a woodgrain effect to resemble natural timber as closely as possible. The plans show that these would be a more sympathetic design and whilst they would utilise a modern material, would be a matte finish and in a woodgrain, effect designed to closely resemble timber windows.
15. At my site visit I observed that a number of properties within this part of the CA have non-traditional windows in the rear elevations, including examples of uPVC windows and non-traditional designs. I also observed that the neighbouring properties 42 and 36 Colvestone Crescent already have uPVC, non-traditional windows in their rear elevations.
16. The views of the rear elevation are limited and mostly from nearby properties rather than the public realm. Therefore, by virtue of the windows being located on the rear of the building, the variety in the appearance and materials found in neighbouring properties rear elevation windows and the presence of intervening buildings and vegetation, I agree that to most receptors the use of a modern material to replace the non-traditional windows would likely be largely imperceptible. Furthermore, the amended plans show that the external trickle vents have been removed, and I am satisfied that further details of the traditional style timber sliding sash windows within the front elevation could be secured by condition.
17. For these reasons, whilst I acknowledged that the loss of architectural features such as windows has been identified as a weakness of the SMCA, the replacement windows to the rear elevation would be of a more sympathetic design and style and therefore would not be detrimental to the conservation of a historic feature of the building. Given that there are limited views from the public realm towards the proposal, and that the uniform qualities of the front elevation of the

appeal property would be unaffected, I do not consider the significance of the SMCA would be harmed.

18. I therefore conclude that the appeal proposal would not have an unacceptable impact on the character and appearance of the appeal building and it would thus preserve the character and appearance of the SMCA. Consequently, it would accord with Policies LP1 and LP3 of the Hackney Local Plan 2033 or Policies D4 and HC1 of The London Plan, which seek, amongst other matters, development that responds to local character and to conserve the significance of heritage assets. It would also accord with advice in Section 16 of the National Planning Policy Framework.

Conditions

19. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
20. A further condition is necessary to require details of the timber, double glazed windows to the front elevation to be provided prior to the windows being installed for the avoidance of doubt and in the interests of preserving or enhancing the character, appearance and setting of the heritage assets.

Conclusion

21. For the reasons given, above and having had regard to all matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR