



Appeal Decision

Site visit made on 24 June 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2014

Appeal Ref: APP/A5270/D/14/2218343

21 Denison Road, LONDON, W5 1NU

- 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 Mr Riccardo Lenzi against the decision of the Council of the London Borough of Ealing.
 - The application Ref P/2013/5566 was refused by notice dated 13 February 2014.
 - The development proposed is to replace windows to the front and rear elevations of the property.
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Preliminary matters

1. On 6 March 2014 the National Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the guidance has been considered but in light of the facts in this case the planning guidance does not alter my conclusions.

Decision

2. The appeal is dismissed insofar as it relates to the replacement of windows to the front elevation and planning permission is refused to replace windows to the front elevation of the property. The appeal is allowed insofar as it relates to the replacement of the window on the rear elevation and planning permission is granted to replace window to the rear elevation at 21 Denison Road, LONDON, W5 1NU in accordance with the terms of the application Ref P/2013/5566, dated 16 December 2013 and 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 the following approved plans, so far as relevant to that part of the development hereby permitted: D1991/1 Rev.4, D1991/2 Rev. 4, D1991/1.1 Rev.4, D1991/1.2 Rev.4, D1991/3 Rev.4, location plan and block plan.
 - 3) The materials to be used in the construction of the external surfaces of the window hereby permitted shall match those used in the existing dwelling.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the Brentham Garden Estate Conservation Area (BGECA), which is a designated heritage asset.

Reasons

4. The National Planning Policy Framework, (NPPF), states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
5. Consistent with this, policy 7.8 of the London Plan and policy 1.1 of the Council's Adopted Development (or Core) Strategy, (Core Strategy), and policy 7C of the Council's Adopted Development Management Development Plan Document, (DPD), seek to ensure that new development conserves the significance of heritage assets. Development should be sympathetic in its materials and architectural detailing and the introduction of designs or materials that undermine the significance of heritage assets should be avoided. More broadly policies 7.4 & 7.6 of the London Plan and policies 7.4 and 7B of the DPD collectively seek to ensure that new development is informed by and compliments its surroundings.
6. In addition to these policies the Brentham Garden Estate Conservation Area Management Plan, (BGECA-MP), advises that in relation to windows and doors attention to detail will help preserve or enhance the character and appearance of the BGECA. An Article 4 direction has been in place for many years which covers replacement windows and the retention of existing historic windows is encouraged.
7. The central and southern parts of the BGECA are characterised by uniformly designed and sited semi-detached and terraced dwellings set behind modest sized front gardens and low boundary walls. The northern part of the conservation area comprises sports pitches and courts and St Brentham Club and is bordered by allotments and parkland.
8. The Appeal dwelling is located mid-way along Denison Road where the terraced houses on either side of the road frame views towards St Brentham Club to the north and lead to St Barnabas Church and the War Memorial at the southern end of the road. There is a strong sense of rhythm and symmetry in the terraces along Denison Road, which were constructed in the late 19th/early 20th centuries.
9. In particular their fenestration and external materials are uniform. The white painted timber casement windows are all single glazed and include slim glazing bars, which add to the elegant and lightweight character and appearance of the windows. These windows make a significant contribution to the character and appearance of the host terraces and the BGECA as a whole. Indeed the existing single glazed timber sash and casement windows found throughout the BGECA are an integral part of the character and appearance of the conservation area.
10. The proposed replacement windows would similarly have white painted timber frames, with narrow glazing bars. However the windows would be double glazed and from the details submitted the glazing bars would be some 9mm deeper than with the single glazed windows. The submitted details also indicate that the spacing bars between the glazing panels would be black.

11. The double glazed panels would be evident from the black spacing bars and the deeper glazing bars and this would distinguish them from other windows within the terrace. Due to the size and prominence of the windows in the front elevation of the property and the proximity of the pavement, the difference between the proposed windows and those of other dwellings would be clearly visible. The proposed windows would upset the uniformity and symmetry of the host terrace and the adjacent terraces and as a result would detract from the character and appearance of the BGECA and harm its significance.
12. Having regard to the fact that the host property and terrace are not listed and that the host property is partially screened from the south by the adjacent terrace, the harm to the significance of the BGECA would be less than substantial. Accordingly the harm that would be caused needs to be weighed against the public benefits that would result from the scheme.
13. The Appellant has clearly demonstrated that the existing windows are not in a good state of repair and are not energy efficient. Conversely the proposed windows would improve the condition and energy efficiency of the dwelling. In addition, it is recognised that the Appellant has sought to use matching timber frames and that the gap between the glazing panels would be minimal for a double glazed unit, thus minimising the depth of the spacing bars and the additional depth of the glazing bars.
14. Whilst I have given each of these factors considerable weight neither individually nor collectively would they outweigh the harm that the proposed glazing on the front elevation of the property would have on the significance of the BGECA. This is due to the importance of the fenestration when viewed from the street scene on the character, appearance and significance of the BGECA.
15. The appearance of the rear elevation of the host terrace was originally uniform, although the introduction of single storey rear extensions and outbuildings has introduced a level of individuality between dwellings. At the same time, although the rear gardens are served by a series of paths, they are narrow and enclosed and do not provide for expansive views of the rear garden environment. Further screening is provided by a number of trees within the rear garden environment.
16. Within this context and having regard to the proposed use of hand painted white timber frames and slimline double glazed panels, together with the modest size of the window concerned, the proposed new window in the rear elevation would have a negligible impact on the character and appearance of the host dwelling, the terrace and BGECA. It would cause very little harm to the significance of the BGECA and the harm it would cause would be outweighed by the improved condition of the rear of the property and the improved energy efficiency the double glazing would result in.
17. The Appellant has referred to various decisions where similar windows have been allowed in conservation areas and on listed buildings. In relation to the scheme at Stoneleigh, it is noted that the windows to be replaced were modern and did not display the characteristics of their historic predecessors. In addition, the double glazed units proposed were 12mm thick. Conversely the existing windows in the Appeal property appear to be original or close replicas and the proposed double glazed units would be 14mm thick. As such that scheme is not directly comparable to the Appeal scheme.

18. Limited details are provided concerning the context of the building at Gloucester Circus and the type and materials of the existing windows both at that property and at the adjoining property. Similarly, few details are provided regarding the other examples referred to by the Appellant and so no comparisons can be drawn from them. Notwithstanding this, the decisions referred to do illustrate that replacement double glazed windows can be appropriate in some circumstances. This reinforces the long established planning principle that each proposal should be considered on its individual merits and in light of the prevailing planning policies. The Appeal scheme has been dealt with on this basis.
19. Finally, the Council has suggested the imposition of conditions relating to matching external materials and the prior approval of the detailed design and appearance of the proposed window. The materials condition is necessary to ensure that the new window respects and blends in with the host property and the conservation area. Full details of the proposed window, including dimensioned cross sections of the joints and details of all fittings were submitted with the application. As such a condition requiring the submission of such details is unnecessary. It is however necessary to impose a condition which requires the development to be carried out in accordance with the approved drawings. This is for the avoidance of doubt and in the interests of proper planning.
20. For these reasons I conclude that the proposed replacement windows on the front elevation of the property would materially detract from the character and appearance of the host dwelling and the character appearance and significance of the BGECA. They would therefore conflict with policies 7.4, 7.6 & 7.8 of the London Plan, policy 1.1 of the Core Strategy, policies 7.4, 7B & 7C DPD, the BGECA-MP and the NPPF.
21. Conversely the proposed window in the rear elevation of the property would respect and blend in satisfactorily with the host dwelling and the character and appearance of the BGECA. The very little harm it would cause to the significance of the BGECA would be outweighed by the public benefits that would result from the replacement window. Accordingly this aspect of the scheme would comply with the above policies and the NPPF and because the front and rear windows are physically separate it is possible and appropriate to issue a split decision.

E Lawrence

INSPECTOR