



Appeal Decision

Site visit made on 17 April 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2018

Appeal Ref: **APP/X5210/W/18/3195193**

Flat 1 & 2, 79 Tottenham Court Road, London W1T 4TB

- 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 Ghanshyam Patel against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/4178/P, dated 20 July 2017, was refused by notice dated 10 October 2017.
 - The development proposed was originally described as 'Replacement of 12 existing windows to PVC windows with double glazing.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out in the banner heading, which is taken from the application form, it is evident from the submitted plans that the proposed windows would be PVCu units with triple glazing. Both the Council's delegated report and the appellant's evidence refer to triple glazing and therefore, since no party would be caused any injustice by me doing so, I have considered the appeal proposal on that basis.
3. The Grade II* listed Heal and Son Limited including Habitat building is situated opposite the appeal site at 191-199 Tottenham Court Road, with the Grade II listed Glen House at 200-208 Tottenham Court Road. Although the effect of the proposed development on the setting of these listed buildings did not form part of the Council's reason for refusal, the buildings were identified in the Council's delegated report and the parties have had the opportunity to comment on this matter. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings, and have done so.

Main Issue

4. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Charlotte Street Conservation Area and preserve the setting of the nearby listed buildings.

Reasons

5. The appeal property is a prominent detached building, with a cafe on the ground floor and 3 floors of residential accommodation above, situated within

the locally listed Whitfield Gardens on the west side of Tottenham Court Road. The site lies in the Charlotte Street Conservation Area (the Conservation Area), which is characterised by a dense grid pattern of mainly 4 storey Georgian mixed use development.

6. The predominantly commercial Tottenham Court Road is one of the principal thoroughfares within the Conservation Area, forming its eastern boundary, and is notable for the variety of heights, building styles and materials along its frontage. The road also forms the boundary of Bloomsbury Conservation Area to the east. This includes the Grade II* listed Heal's building directly opposite the appeal site and the Grade II listed Glen House to the south-east, which both feature metal framed windows set between stone piers that provide the buildings with a rhythmic vertical emphasis.
7. In contrast to these large and architecturally imposing 20th century buildings, the appeal property and those immediately to the south near the junction with Tottenham Street have a more modest scale and simple form characteristic of the Georgian development within the Conservation Area. Indeed, the Charlotte Street Conservation Area Appraisal and Management Plan identifies that the appeal property, 68-77 Tottenham Court Road and 1 Tottenham Street are positive contributors to the Conservation Area. Whilst many of the windows in this group of buildings are replacements in a variety of materials, on the whole they are multi-paned sashes with a white finish.
8. The proposed triple glazed PVCu windows would have the same opening action as the existing, and the size and placement of the fenestration would remain unaltered. However, the largely multi-paned glazing would be replaced by single or 1/1 panes which would not reflect the characteristic glazing pattern. Moreover the submitted plans indicate that the replacement window frames would be fairly flat and wide with a heavy appearance, particularly at the central meeting rails, which would be further exacerbated by their dark grey colour. Consequently, the proposal would create an incongruous and dominant feature which would not respect the local context and character.
9. The appellant has drawn my attention to examples of replacement PVCu windows in the surrounding area. I note that in all cases the examples are white and many are multi-paned. However, I do not have full details of the planning history of these other properties and so cannot make comparisons with the appeal proposal. In any event, I am required to reach my conclusions based on the individual circumstances of this appeal, and have done so.
10. The Grade II listed Glen House is located in excess of 30m south-east of the appeal site on the other side of Tottenham Court Road beyond the junction with Tottenham Street. Because of the distance between the sites and the intervening highways, they are not particularly inter-visible and therefore I conclude that the appeal proposal would preserve the setting of this listed building.
11. However, for the reasons set out above, I conclude that the appeal proposal would fail to preserve or enhance the character and appearance of the Conservation Area, and fail to preserve the setting of the Grade II* listed building at 191-199 Tottenham Court Road. Therefore, it would not accord with the design, heritage conservation and enhancement aims of London Borough of Camden Local Plan Policies D1 Design and D2 Heritage.

12. Whilst, in the parlance of the National Planning Policy Framework, the harm I have identified to the designated heritage assets is less than substantial, any harm requires clear and convincing justification. The refurbishment of the appeal property does not amount to a public benefit which convincingly outweighs the harm caused to the designated heritage assets, particularly given there is no evidence before me to suggest that this could not be achieved through more sympathetic means.

Conclusion

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

CL Humphrey

INSPECTOR