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## Appeal Decisions

Site visit made on 12 September 2016

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 19 September 2016**

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### **Appeal A - Ref: APP/J4525/C/16/3143993 & APP/J4525/C/16/3143994 10 Cedars Crescent , Sunderland SR2 7SY**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mr Paul Mc Eldon and Maria Daurat against an enforcement notice issued by Sunderland City Council.
  - The enforcement notice was issued on 13 January 2016.  
The breach of planning control as alleged in the notice is as follows: the installation of:  
Two white UPVC windows to the front elevation of the property at second floor level and,  
Five white UPVC windows to the front elevation of the property at first floor level in place of traditional timber sliding sash windows, forming an original feature of the property.
  - The requirements of the notice are as follows:
    - (i) Restore the land to its condition prior to the breach by removing the 7 UPVC windows identified above and replacing them in accordance with the requirements below:
      - (a) Windows numbered 1 to 7 Inclusive, shown on the attached 'Enforcement Notice Plan' to be replaced with timber sliding sash windows, replicating the design and proportions of those which were removed, incorporating timber horns on the lower edge of each vertical stile. The attached photograph 'EN1' shows the former timber sliding sash windows to the front elevation of the property, the design and proportions of which should be replicated for all replacement sliding sash replacement windows.
      - (b) Following installation, glaze windows and undercoat and topcoat all new and any disturbed external woodwork white with a suitable external paint system.
      - (c) Remove from the land all waste materials arising from compliance with the above requirements.
  - The period for compliance with the requirements is 6 calendar months.
  - The appeal is proceeding on ground (a) only as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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### **Appeal B - Ref: APP/J4525/W/16/3143992 10 Cedars Crescent , Sunderland SR2 7SY**

- 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 Paul Mc Eldon against a decision by Sunderland City Council.
  - The application Ref 15/02335/SUB dated 17 November 2015 was refused by notice dated 12 January 2016.
  - The development proposed is to: Replace existing timber window inserts with upvc to front of dwelling house to first floor and roof (dormer) level only.
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### **Decisions**

1. Both Appeals are dismissed. See Formal decisions below.

### **Background information and matters of clarification**

2. On 20 April 2016 the previous appeal, APP/J4525/D/15/3141472 relating to the replacement of timber windows with upvc windows, was dismissed. This appeal followed a householder application refusal, ref 15/01893/FUL. The appeals now
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before me relate to the same 5 windows at first floor (4 to bay window and 1 individual window) and 2 to the dormer window. These were noted at the time of my site visit and I also noted that the ground floor windows were timber.

3. The property lies within The Cedars Conservation Area (CCA) and the CCA Character Appraisal and Management Strategy (CAMS) describes the character of this part of Sunderland as being derived partly from the high quality mid to late Victorian and Edwardian terraces and large villas. The majority of the houses within Cedars Crescent and Cedars Park have retained the original timber window types and designs. The CAMS refers to this area being of a planned and frequently themed nature which displays exciting detailing and designs. Due to the architectural and historic qualities of the terraces there is an Article 4 direction in place which aims to safeguard features of significance within the CCA.

4. The relevant policies are saved policies B2 (Design and Massing) relating to new developments and extensions; B4 (Conservation Areas) and B6 (Preserve and Enhance Conservation Areas). These are up to date and accord with national policies set out in the National Planning Policy Framework (NPPF). In reaching my conclusions I have taken into account the relevant NPPF policies and Planning Practice Guidance (PPG). In particular I have considered sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the NPPF. I have also paid special attention to the requirements of section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Main Issue**

5. The main issue is the same for both appeals, A and B. It is the effect of the upvc windows on the character and appearance of the Cedars Conservation Area.

6. The appeals windows are in place and I was able to view them from both near and distant viewpoints. I also noted most of the windows to the other houses within the Cedars Park and Cedars Crescent. I saw that some windows had been replaced with other timber and upvc units, but overall the neighbouring terraces have retained the original timber window designs and other important architectural details such as the front doors and frames. The general effect is that the houses and their architectural and historic features add most positively to the character and appearance of the CCA.

7. It is clear that attempts have been made to replicate the timber windows in a different material and particularly in relation to their proportions and method of opening. However, in my view, these attempts have failed miserably to retain the character and appearance of the original timber windows. I agree with the previous Inspector that the new windows are poor facsimiles of the originals. In my view, when seen against the original windows of the neighbouring properties and the ground floor ones to No 10, they appear as alien and obtrusive additions to the front of this prominently positioned house. I completely disagree with the appellants' contentions that *'from the road it is impossible to notice any tangible or harmful difference'* and that *'the new windows are more aesthetically pleasing than the originals'*. The opposite is the case.

8. The artificial looking glazing strips; the clumsiness of the mid-rails and the sizing of the upvc elements all contrast markedly with the elegant timber glazing bars, mid-rails and frames of the adjoining properties. There is also an odd and noticeable reflective result which emanates from the different glazing method. This adds to the harmful visual effect that the windows have had in this part of the CCA. I find, therefore, that the windows neither preserve nor enhance the character or

appearance of the area and that they are contrary to saved design policy B2 of the UDP as well as to policies B4 and B6 which seek to protect conservation areas within the City.

9. The NPPF is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The harm to the conservation area is less than substantial, as described in paragraph 134 of the NPPF, but there are no public benefits which can be weighed against the harm which I have identified. Thus, in addition to being contrary to the heritage policies of the development plan, these works would also conflict with the requirements of the NPPF and I do not consider that planning permission should be granted. Both appeals, therefore, must fail.

### **Other matters**

10. In reaching my conclusions on both appeals I have taken all other matters into account. These include the full planning history of the property; the grounds and facts set out on the Appeal A form; the heritage statement submitted in support of Appeal B and all other points made in support of the appellants' appeals. However, none of these carries sufficient weight to alter my conclusions that planning permission should not be granted for the works carried out and nor is any other factor of such significance so as to change my decisions.

### **Formal Decisions**

11. Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

12. Appeal B is dismissed.

*Anthony J Wharton*

Inspector