

Appeal Decision

Site visit made on 18 October 2016

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 28th October 2016

Appeal Ref: APP/D3830/D/16/3158082

3 Francis Road, Lindfield, Haywards Heath, West Sussex RH16 2JB

- 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 Mrs Barbara Mellor against the decision of Mid Sussex District Council.
 - The application Ref DM/16/0541, dated 8 February 2016, was refused by notice dated 3 June 2016.
 - The development proposed is to replace windows and front door with uPVC double glazed sash windows and composite white wood grain front door.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lindfield Conservation Area.

Reasons

3. Francis Road lies within the Lindfield Conservation Area (LCA) and, in the vicinity of the appeal site, is predominantly characterised by 19th Century cottages. 3 Francis Road is one of three pairs of very similar semi-detached cottages, set close to the private road. The outlook from No 3 at the front is across the road to a close boarded fence and tall conifer hedge.
 4. The proposed development is to replace two existing timber single-glazed sash windows in the front elevation with uPVC sash windows and the white painted wooden front door with a white composite door of wood grain effect.
 5. The Council has in force a Direction under Article 4(2) of the General Permitted Development Order 1995, affecting residential properties in the LCA. Amongst other things, this has removed householders' permitted development rights to carry out certain works, including the installation of replacement windows and doors to single family houses. The Article 4(2) Direction demonstrates the importance placed by the Council on the contribution that such features can make to the character and appearance of the LCA, and I have given this considerable weight.
 6. The existing front door and windows at No 3 are timber and of traditional design and proportions. While I noted during my visit some deterioration to the weather strip at the foot of the door, I have no significant evidence before
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me that the traditional door and windows are not capable of retention, including with any necessary maintenance or repair.

7. I note that the composite door and uPVC windows proposed are designed as part of a 'heritage' solution that can include certain decorative details, such as sash horns, to attempt to achieve an authentic reproduction of the timber originals. I also note that it is proposed to replicate the general style and proportions of the existing windows as far as possible. Nonetheless, I consider that the design and materials proposed are not appropriate for the host property and so would fail to achieve a suitably authentic outcome. Compared to the existing windows, the replacements would be inelegant and uniform in character and would therefore detract from the character and appearance of No 3.
8. During my site visit I saw the replacement door and windows in the front elevation of 5 Francis Road, which the appellant advises are essentially the same as those proposed for No 3. However, compared to the existing traditional examples at No 3, the door and windows at No 5 appear heavier, the detailing clumsier, and the materials uniform and bland. As a result, the installation of similar products at No 3 would have an adverse impact on the character and appearance of that property.
9. The presence of uPVC windows and doors at a number of properties in the LCA does not justify similar alterations at No 3. I accept that there are some examples of such replacements having been installed, including in the same row as No 3. However, I consider that these are clearly distinguishable from the traditional timber examples and serve to demonstrate the material harm that can be caused to character and appearance by such development.
10. In addition, I cannot know whether these changes were made before the Article 4(2) Direction took effect in 1995, and no significant evidence has been submitted to demonstrate that they have been permitted subsequently. Indeed, the Council's report indicates it is most likely that the alterations nearby took place prior to the Direction being introduced, at least in respect of No 1 and No 6 Francis Road, albeit the position with No 5 is not made clear. Nonetheless, I have given only limited weight to such other examples.
11. For these reasons, I consider that the proposed replacement windows and front door would harm the character and appearance of No 3 and of the LCA. However, I quantify the extent of this harm to the LCA as being less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework because the proposed development would resemble the existing door and windows to a degree.
12. I recognise that there would be some associated benefits arising from the development, such as improved ease of opening for the appellant, including in the event of fire. However, any such benefits would be limited in their scope as public benefits and there are other strategies available to achieve such outcomes without removing the traditional windows and door. Accordingly, these benefits do not outweigh the harm to the character and appearance of the LCA that I have identified.
13. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the Lindfield Conservation Area. It would therefore conflict with saved Policy B1 of the Mid Sussex Local Plan 2004 (LP),

which among other things seeks to ensure that materials are of a quality, type and colour appropriate to the site and its surroundings and enhance the distinctiveness of traditional building materials and styles. It would also conflict with saved Policy B12 of the LP, which seeks to protect the special character and appearance of Conservation Areas, including through the use of appropriate traditional materials, stating in particular that the replacement/installation of uPVC windows will be strongly resisted. The proposed development would also conflict with emerging Policies DP24 and DP33 of the Pre-Submission Draft Mid Sussex District Plan 2015, which show similar intent to the aforementioned saved policies.

Other Matters

14. I understand the appellant's concerns pertaining to her current health situation. However, personal circumstances seldom outweigh general planning considerations and do not outweigh the harm identified in this case.

Conclusion

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

Catherine Jack

INSPECTOR