

Appeal Decision

Site visit made on 25 October 2016

by David Smith BA (Hons) DMS MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/X2220/W/16/3153870

4-6 Princes Street, Deal, Kent, CT14 6DH

- 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 David Finn against the decision of Dover District Council.
 - The application Ref DOV/15/01202, dated 13 February 2016, was refused by notice dated 11 April 2016.
 - The development proposed is replacement double glazing to both maisonettes on ground and first floor and front and rear elevations.
-

Decision

1. The appeal is dismissed for replacement double glazing to both maisonettes on the ground and first floor of the front elevation. The appeal is allowed and planning permission is granted for replacement double glazing to both maisonettes on the ground and first floor of the rear and side elevations and replacement doors on the front elevation at 4-6 Princes Street, Deal, Kent, CT14 6DH in accordance with the terms of the application, Ref DOV/15/01202, dated 13 February 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans and details in respect of doors 1 and 7, windows 4, 5 and 6 and the side alley window for 4 Princes Street and door 1 and windows 6, 7 and 8 for 6 Princes Street.

Main Issue

2. Whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The appeal site comprises one half of a pair of 4 maisonettes built in 1925. There are differences between them in terms of decoration and the type of front doors but the entire building nonetheless retains a sense of unity. Victorian cottages otherwise line both sides of Princes Street. Their uniform scale, age and position on the back edge of footway give rise to a narrow, intimate townscape. These are the main factors which contribute towards the significance of the heritage asset. Whilst the appellant considers that the appeal property and its linked neighbour at Nos 8-10 are of no architectural merit, their size and siting are compatible with the prevailing characteristics nearby. They therefore play their part in reinforcing the qualities of this particular part of the conservation area.
-

4. Along the street there is a wide variety of fenestration ranging from historic timber sashes to replacement UPVC that does not reflect the original pattern of the windows in any way. It is also true to say that this material generally lacks the refinement of timber and sections are often chunkier although I did observe some facsimile plastic windows that had largely overcome these criticisms. In any event, given the widespread presence of UPVC within Princes Street there is no overriding presumption against its use at the appeal property.
5. However, the proposed design of the windows would differ from the existing ones and those at Nos 8-10 in that the strong 3-part vertical division of the large windows in the front elevation would be lost. The marked horizontal divide across the upper third would also be diluted. The appellant suggests an alternative including an additional glazing bar but this would also materially depart from the arrangement of the current openings. As a consequence the coherent composition of the overall building would be seriously diluted. In turn, the qualities of the conservation area would be diminished.
6. The proposed front doors would resemble the existing ones and would sit side-by-side as a pair. Given that those at Nos 8-10 are markedly different this part of the proposal is not objectionable. Similarly, given its more secluded position and therefore its lesser significance for the heritage asset, there is no reason to oppose changing the windows in the rear elevation.
7. The thermal qualities and ease of maintaining UPVC windows are appreciated and they may address condensation issues on the ground floor. The appellant is also concerned that any replacements should conform to current Building Regulations and allow for escape from fire from the upper floor. Allowing part of the proposal would address these issues to some extent. There is no objection from the Town Council and it is unfortunate that officers were not able or willing to meet on site to discuss possible improvements but these points have little bearing on my decision.
8. The Government attaches great importance to design. Furthermore, the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. In this case whilst the harm caused by the proposed front windows would be significant it would be less than the substantial harm referred to by the National Planning Policy Framework. However, the public benefits that would accrue, including the matters referred to by the appellant, do not outweigh the harm to the significance of the designated heritage asset.
9. In summary the proposed rear and side windows and the doors would preserve the character and appearance of the conservation area but the larger front windows would not. They would not conserve the heritage asset in a manner appropriate to its significance. The smaller upper floor windows proposed would more closely resemble what is there today but in order that the front elevation can, if necessary, be re-considered as a whole these should not be allowed to proceed. It follows that I shall issue a split decision to reflect these findings so that the appeal succeeds in part and fails in part.

David Smith

INSPECTOR