

Appeal Decision

Site visit made on 15 November 2016

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 1ST December 2016

Appeal Ref: APP/Z1775/D/16/3159135

16 St Edwards Road, St Thomas, Southsea PO5 3DJ

- 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 & Mrs David Raw against the decision of Portsmouth City Council.
 - The application Ref 16/00558/FUL, dated 5 April 2016, was refused by notice dated 27 May 2016.
 - The development proposed is replacement of existing front elevation windows using double glazed white PVC-U matching styled windows.
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Decision

1. This appeal is allowed and planning permission is granted for replacement of existing front elevation windows using double glazed white PVC-U matching styled windows at 16 St Edwards Road, St Thomas, Southsea PO5 3DJ in accordance with the terms of the application Ref 16/0558/FUL, dated 5 April 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this permission.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Block/site plan, item 1 of 10, item 2 of 10, item 3 of 10, item 4 of 10, item 5 of 10, item 6 of 10, item 7 of 10, item 8 of 10, item 9 of 10, item 10 of 10, photos 1 and 2 and technical extract.

Procedural matter

2. Planning permission, by virtue of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) is not normally required for the installation of replacement windows in a dwelling house. However, as the Council consider that changes to windows can affect the character and appearance of the Conservation Area an Article 4(2) is in place which brings these works under planning control. However, the Article 4(2) direction only applies to the replacement of windows and doors in the front elevation. Planning permission would not be required to replace the windows in the rear elevation I have therefore considered the appeal on this basis and I have amended the banner heading to reflect this.
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Main Issue

3. The main issue is whether the proposed windows would preserve or enhance the character and appearance of the host property and the Castle Road Conservation Area.

Reasons

4. The Castle Road Conservation Area is one of the oldest surviving parts of Southsea and consists of an area of Georgian and Victorian buildings. The appeal property forms part of a short red brick terrace that was built in the late 19th Century. Although some of the original features have been lost, many have been retained including windows, doors, chimneys and boundary walls. These features contribute positively to the character and appearance of the Conservation Area as a whole and its significance as a designated heritage asset.
5. No 16, as do the other three units in the terrace, on the front elevation retains the original timber sliding sash windows. The proposal would replace these windows with double glazed white PVC-U units which whilst of a similar design would have thicker glazing bars. I observed at my site visit that the majority of windows in other properties in St Edwards Road, including those immediately adjacent to and opposite the appeal site have been replaced with white UPV-C units.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reinforced by the National Planning Policy Framework (the Framework) and policy PCS23 of the Portsmouth Plan: Portsmouth's Core Strategy (2012) (the Core Strategy) which requires new development to be well designed and to respect the character of the city and in particular to be of appropriate appearance and materials in relation to the particular context.
7. Further detailed guidance for the Castle Road Conservation Area is provided in the Castle Road Conservation Area No 12: Guidelines for Conservation (2006) (the SPG) which promotes the retention of existing traditional window types, details and materials through encouraging the repair of existing windows and if this is not possible replacement by matching windows. The guidelines discourage the use of UPV-C.
8. However, in *South Lakeland DC v Secretary of State for the Environment and Carlisle Diocesan Parsonages Board* (1992) the Court held that 'preserve' for the purposes of section 72, need not involve a positive contribution to the character and appearance of the Conservation Area, but that preservation could be achieved by a 'neutral' development that neither enhanced nor harmed the Conservation Area.
9. Therefore, whilst I agree with the Council that the use of timber sash windows would be preferable, the use of UPV-C units is an established part of the streetscene. Furthermore, whilst the units would have thicker glazing bars than the original windows they would also replicate the existing traditional details and opening mechanism unlike other replacement units within the road. I therefore consider that on balance the proposal whilst it would not enhance the appearance of the Conservation Area, would result in a neutral

development and thus the appearance of the Castle Road Conservation Area would not be harmed.

10. The Council refer to 18 Garden Lane which is located to the rear of the appeal property as a locally listed building. This building is located some distance from the appeal property and views of this building from St Edwards Road are limited as a consequence I consider that the proposal would not adversely affect the setting of this non-designated heritage asset.
11. Accordingly, the proposal would therefore be in accordance with the requirements of Section 72, the Framework and policy PCS23 of the Core Strategy.

Conditions

12. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against paragraph 206 and adjusted their wording where necessary in the interests of clarity. In addition to the standard time limit, for the avoidance of doubt and in the interests of proper planning I have included a condition that requires the development to be carried out in accordance with the approved plans.
13. The Council have also suggested the use of condition requiring the materials to match the existing external surfaces of the building. However, as the existing windows are timber and the replacements would be UPV-C they would not match and therefore such a condition would not meet the Framework test.

Conclusion

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

Jo Dowling

INSPECTOR