

Appeal Decision

Site visit made on 5 December 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 December 2016

Appeal Ref: APP/L3815/W/16/3158380

25A Chapel Street, Chichester, West Sussex PO19 1BT

- 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 Justine Henstridge against the decision of Chichester District Council.
 - The application Ref CC/15/03923/FUL, dated 24 November 2015, was refused by notice dated 14 March 2016.
 - The development proposed is to replace 6 no. windows with uPVC units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form includes wording that does not directly describe the development. I have therefore taken above the more concise description given on the Council's refusal notice, for clarity.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Chichester Conservation Area and the setting of nearby listed buildings.

Reasons

4. 25A Chapel Street is a city centre maisonette situated above the ground floor commercial unit at 7 Crane Street. The site lies within the Chichester Conservation Area (CCA) and in the vicinity of a number of listed buildings, all of which are designated heritage assets. The site is also in proximity to a row of locally listed buildings, and the host building is identified as a 'positive building' in the CCA Character Appraisal. These represent non-designated heritage assets. 25A faces the pedestrianised shopping area of Crane Street at the front and St Cyriacs at the rear, where there is a covered car parking area associated with a flatted retirement development known as Rose Court. 25A has a small dormer in each of its front and rear roofslopes, which essentially match the other dormers on the building.
 5. It is proposed to replace six existing timber casement windows with uPVC windows of a similar style. Five of these windows face St Cyriacs at the rear. Only the dormer window is proposed to be replaced in the front elevation facing Crane Street. The two existing timber sliding sash windows at first floor level in the front elevation would be retained.
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6. At the rear of the host building, and the adjacent attached building, some windows remain in timber while others have been replaced by uPVC windows, including those at the adjacent residential unit 25B Chapel Street for which I am advised the Council granted planning permission Ref CC/11/00905/DOM, albeit I do not have any significant details of the circumstances of that case. However it is likely that it pre-dated the adoption of the current development plan. I note that the Council says it has no record of planning permission having been granted for the nearby uPVC examples other than at 25B.
7. Further along St Cyriacs, the rear elevations predominantly retain timber windows and doors. Timber windows also appear to have been retained throughout Rose Court. Accordingly, while there are examples of uPVC replacements in St Cyriacs, the majority remain in timber. While this street may not be a main thoroughfare, and the streetscene consists predominantly of rear elevations rather than principle elevations, these are nonetheless open to clear public view.
8. There are also some examples of uPVC windows in the upper elevations of Crane Street, including the front dormer of 25B. However, timber again remains the predominant material for windows and doors on the appeal site side of the street. On the opposite side of the street there is a somewhat less traditional character of built form, including a relatively modern office building at the Chapel Street end, which looks rather stark in the generally traditional streetscene and is identified as a 'negative building' in the CCA Character Appraisal. This building has unattractive metal framed windows.
9. I note the appellant's intention for the style of the replacement windows to be 'like for like' but in uPVC. Nonetheless, I consider that the design and materials proposed are not appropriate for the host property of the CCA and so would fail to achieve that outcome. The window frames would be relatively modern and bulky design, which would appear inelegant in the streetscene and would detract from the character and appearance of 25A and the CCA.
10. The existing windows at 25A are of traditional design, materials and proportions, generally appropriate to the conservation area setting. Moreover, I have no significant evidence before me to suggest that they would not be capable of retention. I note the appellant's concern that the front dormer window opening is not sufficiently wide to meet current fire safety regulations, hence a flying-mullion uPVC replacement is proposed, and also that this window warps in adverse weather conditions such that it can be difficult to close. However, I am not persuaded on the evidence before me that it would not be possible to rectify these concerns using more traditional materials.
11. The presence of uPVC windows at various other properties in the CCA does not justify similar alterations at 25A. I accept that there are examples of such replacements having been installed, including in the same building. However, I consider that these are clearly distinguishable from the traditional timber examples and demonstrate the material harm that can be caused to character and appearance by such development. Accordingly, I have given only limited weight to such other examples.
12. For these reasons, I consider that the proposed replacement windows would be detrimental to the character and appearance of 25A and would therefore fail to preserve or enhance the character and appearance of the CCA and the setting of nearby listed buildings. However, I quantify the extent of the resulting harm

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 windows to a degree. Such harm needs to be balanced against any public benefits the proposed development might bring.

13. I recognise the associated benefits of improved fire safety and energy efficiency to 25A. However, these are limited in their scope as public benefits and there are other strategies available to achieve such outcomes without removing traditional windows. Accordingly, these benefits do not outweigh the harm to the character and appearance of the CCA that I have identified.
14. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the Chichester Conservation Area and the setting of nearby listed buildings. It would therefore conflict with Policy 47 of the adopted Chichester Local Plan: Key policies 2014 – 2029 (CLP), which among other things seeks to ensure that the proposal conserves and enhances the special interest and settings of designated and non-designated heritage assets, including listed buildings, locally listed and positive buildings, and conservation areas. Furthermore, the Supporting Guidance to Policy 47 sets out that proposals affecting designated or non-designated heritage assets should demonstrate that they meet various criteria, including the use of traditional materials, where appropriate.
15. The Council has also referred to Policy 33 of the CLP. However, this principally relates to new residential development and so is not directly relevant to this case. Accordingly I have afforded it little weight in this Decision.

Conclusion

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

Catherine Jack

INSPECTOR