

Appeal Decision

Site visit made on 3 January 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/Z1510/W/16/3156944

Moorfield Court, Newland Street, Witham, Essex CM8 1AE

- 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 Emma Nicholas against the decision of Braintree District Council.
 - The application Ref 16/00694/FUL, dated 20 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is the replacement of all existing timber framed windows with new UPVC framed double glazed windows. Replacement of all existing timber entrance doors with new thermally broken aluminium profiled doors. All existing timber fire exit, resident's patio and French doors will be replaced with PVC-u.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Witham Conservation Area.

Reasons

3. Section 72(1) 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 the Witham Conservation Area (CA).
 4. I have not been presented with a conservation area appraisal, management plan or a robust Heritage Statement that explains the special character or appearance of the CA or outlines its significance. Nevertheless, during my site visit I observed that the CA appears to be centred on the historic core of the town where there is a cluster of buildings exhibiting period architecture with a traditional material palette. Fenestration generally comprises white painted timber sash and casements windows. The CA apparently accrues much of its special character, appearance and significance from the period architecture that is on show.
 5. The appeal building is an imposing three storey block of apartments that is set back from the road. Although a more modern property that was constructed in the 1990s, the building displays a number of period details including gables and dormer windows. The material palette used in the appeal building also
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- reflects that found elsewhere in the CA and includes red brick, plain roof tiles, painted render and timber windows. As such, the building integrates well with the character and appearance of the CA when considered as a whole.
6. The building is set partially behind the frontage development along the B1389 but it is nevertheless visible from this direction in views along the appeal property's access drive that passes alongside The Swan Public House. The building is also highly conspicuous from the nearby riverside walk.
 7. A building's fenestration is an important component in defining its visual and architectural character. In this instance, the proposed insertion of UPVC and aluminium windows and doors would introduce a material finish to the appeal building's fenestration that is not prevalent in other buildings found elsewhere within the CA. Moreover, due to the likely profile of the frames and the texture of the finish, the fenestration would appear as a discordant intrusion into the historic character and appearance of the surrounding CA. Due to the number of windows and doors in the building, and its visibility from surrounding public vantage points, the impact would be extensive. The distance between the building and public vantage point is not sufficient to mitigate for this impact. This would result in the appeal scheme having a harmful impact upon the character and appearance of the CA.
 8. The harm that would arise would be relatively localised and would not result in the complete loss of a feature of high significance. I therefore find that the harm to the CA would be less than substantial within the meaning of Paragraph 134 of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal would improve the thermal and acoustic performance of the building, reduce maintenance costs and assist the occupants of the building in their use of the windows.
 9. However, I have not been presented with substantive evidence to suggest that UPVC windows significantly outperform well installed and maintained timber windows. Similarly, if the windows are well maintained they are likely to operate smoothly and should not prevent occupants of the appeal building from having access to natural ventilation. It is also unclear what remedial measures the appellant has undertaken to address any current operational problems. Moreover, I have seen nothing to suggest these benefits could not be accrued with replacement timber windows.
 10. The need to maintain timber windows is a common disadvantage that many property owners will face within the Witham CA. Consequently, there is nothing extraordinary about the appellant's purported benefit that the proposal would reduce maintenance costs. Moreover, I have seen no substantive evidence that demonstrates that appropriate maintenance is cost prohibitive and I am not entirely satisfied that a reduction in maintenance costs is a public benefit in any event, as it is a private financial matter. Furthermore, it is important to note that the works are unnecessary to preserve or enhance the character or appearance of the CA or better reveal its significance.
 11. As such, the factors advanced by the appellant would not amount to public benefits that can be afforded anything but limited weight. As a consequence, the public benefits arising from the proposed development would not outweigh the harm I have identified, to which I afford great weight and importance.

12. The appellant has suggested that the colour, style, size and layout of the proposed UPVC windows would match that of the existing timber windows. However, detailed drawings have not been submitted that demonstrates this would be possible or that the use of vertical and horizontal jointing would address the concerns identified. The appellant has also conceded that the windows would only match 'as closely as possible'. This leaves some scope for differences, which could prove to be significant. In the absence of such details I have taken a precautionary approach. As the extent to which the design of the new windows would be similar to the existing is unclear, the precise design of the windows and doors is not a matter than can be left to a planning condition. In any event, a matching style would not overcome the concerns I have regarding the texture of the UPVC finish, even if a wood grain effect is used.
13. It was not uncommon for buildings constructed in the 1990s to have windows constructed in UPVC. In this respect the use of UPVC within the appeal building would be consistent with this period of architecture. However, the design and finish of the appeal building also needs to have regard to its location in the CA, part of the character, appearance and significance of which is derived from the traditional material palette, including timber windows. As such, the appeal building's age does not justify the proposed insertion of UPVC windows.
14. Thus, my overall assessment is that the proposal would harm the significance of the conservation area. The character or appearance of the CA would not be preserved or enhanced. The proposal would therefore fail to adhere to Policy CS9 of the Braintree Core Strategy 2011 and saved Policy RLP95 of the Braintree District Local Plan Review 2005 (LP), which are consistent with Section 12 of the Framework. The proposal would also be at odds with aspects of saved Policies RLP3, RLP17 and RLP90 of the LP.

Other Matters

15. Some windows in the CA are constructed from UPVC but they tend to be isolated examples that fail to harmonise with the overall character and appearance of the CA. The appellant has referred to an approval of UPVC windows at Mill Vale Lodge in Guilthavon Street (application 14/00598/FUL). However, the precise details behind this approval are not before me and therefore I am unable to afford this matter determinative weight as a point in favour of allowing the appeal scheme. In any event, I have considered the appeal scheme on its own merits as the particular circumstances of the case, namely the number of UPVC windows proposed and the building's location, dictates that this is the correct approach in this instance.

Conclusion

16. For the reasons given above I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR