
Appeal Decision

Site visit made on 10 May 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 23 May 2017

Appeal Ref: APP/G0908/D/17/3168463

23 Curzon Street, Maryport, Cumbria, CA15 6LN

- 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 Stuart Harker against the decision of Allerdale Borough Council.
 - The application Ref HOU/2016/0007, dated 12 September 2016, was refused by notice dated 7 December 2016.
 - The development proposed is replacement of 6 wooden sliding sash windows first and ground floor on front elevation with PVC sliding sash windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character of No. 23, the terrace of which it forms part and the Maryport Conservation Area.

Reasons

3. No. 23 is a mid-terrace dwelling in a row that extends from No. 1 to No. 29 Curzon Street, within the Maryport Conservation Area.
 4. The front wall of No. 23 includes: at ground floor level, a bay feature with a central window and 2 narrower side windows, to one side of the front door; and, at first floor level, a pair of windows side by side above the bay feature and a single window above the front door. The stone surrounds of the first floor windows have curved moulded heads. This pattern of fenestration is repeated along the terrace, with the exception of No. 29 which has a shop front rather than a bay feature. The predominant style of window is sliding sash and whilst a small number of the properties have PVCu framed windows, the vast majority comprise more traditional timber framed windows. They are easily distinguishable. The PVCu framing of the openings tends to have a broader appearance than the timber framing, which has a finer, more elegant and less dominant appearance. At first floor level the difference is particularly stark, as the existing PVCu windows have horizontal heads, which do not follow the curved stone heads of the openings. Furthermore, well maintained painted timber frames tend to have an irregular appearance, which is in contrast to the regular, smooth appearance of the PVCu. In my judgement, where they have been retained, the timber sliding sash windows make a significant contribution
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to the strong traditional character and appearance of the individual properties as well as their group value within the terrace, which in turn makes a positive contribution to the wider Conservation Area.

5. I consider it likely that the proposed PVCu windows, which would replace the timber framed ground and first floor front windows of No. 23, would be likely to have similar characteristics to the other PVCu windows in the terrace. In my view, they would cause noticeable harm to the character and appearance of No. 23 and the contribution it makes to the group value of properties within the appeal terrace as well as the wider street scene.
6. The terrace comprising Nos. 31-55, to the south of the appeal terrace, is similar in character with respect to the degree of retention of timber framed windows. Whilst the built development facing the appeal terrace on the other side of Curzon Street contains a higher proportion of PVCu framed windows, a significant number are still timber framed. In my judgement, the limited use of PVCu framed windows in the street scene would not justify harmful development of the appeal site.
7. I conclude that the proposal would cause significant harm to the character and appearance of No. 23 and the contribution it makes to the group value of properties within the appeal terrace and the wider street scene. In these respects it would conflict with Policies S32 and DM15 of the *Allerdale Local Plan (Part 1) 2014* (LP), which seek to preserve or enhance the quality of the built environment. Furthermore, the proposed development would neither preserve nor enhance the character or appearance of the Maryport Conservation Area. As the proposed works involve a single dwelling, the harm although notable, would be likely to lead to less than substantial harm to the significance of the designated heritage asset. The *National Planning Policy Framework* (the Framework) indicates that in such circumstances, the harm to the designated heritage asset should be weighed against the public benefits of the proposal.

Other matters

8. The appellant has indicated that the proposed windows would lead to a reduction both in road noise experienced in the dwelling and heat loss through the windows, thereby reducing his carbon footprint. However, I give those benefits only moderate weight, as there are other measures that could be put in place to address those issues, such as secondary glazing, which would be less likely to cause the harm that I have identified.
9. I give little weight to the appellant's view that the existing windows are in a poor state of repair, which would be costly to make good. To do otherwise would be likely to give encouragement to property owners seeking a beneficial permission not to manage their property in a diligent manner.
10. The Council has drawn my attention to 3 previous appeal decisions involving replacement windows. However, only 1 relates to a property on Curzon Street, No. 49. In that case, in which the appeal was allowed, the main concern was whether the framing material would be readily perceived from the street or visually harmful, and the Inspector considered it unlikely. Having had the advantage of seeing the installation, that is not a view I share. Nonetheless, in any event, that case was materially different from the circumstances before me, as the first floor window openings of No. 49 have straight, rather than

curved, heads, better suited to the installation of rectangular windows. Under these circumstances, I have found the previous appeal decisions to be of little assistance in this case, which I have determined on its own merits.

Conclusions

11. I conclude on balance that the benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified and so it would conflict with LP Policy S27 and it would not amount to sustainable development under the terms of the Framework. Furthermore, it would conflict with the Development Plan, including LP Policy S2 which seeks to promote sustainable development. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR