
Appeal Decision

Site visit made on 9 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/X2220/W/17/3168640

Flats 1 to 5, Goodwin House, 38 Victoria Road, Deal, Kent CT14 7BH

- 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 M Paul against the decision of Dover District Council.
 - The application Ref DOV/16/01066, dated 16 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is to replace existing wooden vertical sliding sash windows with A rated uPVC vertical sliding sash windows. Windows will be like for like in design and colour with Georgian beads and 24mm A rated sealed units. Replace front door, replace all windows including the shaped windows like for like.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed replacement windows would preserve or enhance the character or appearance of Deal Middle Street Conservation Area.

Reasons

3. Deal Middle Street Conservation Area comprises a mix of historic development in the centre of Deal and around the seafront. Victoria Road is a principle road leading to the town centre, development on the side of the seafront being substantial development close to the edge of the pavement, that on the opposite side being set back further from the road. Roads of similar development close to the pavement, including Ranelagh Road, lead between Victoria Road and the seafront.
 4. Goodwin House is located on the junction of Ranelagh Road and Victoria Road and this location means that it is a relatively prominent building. It is a substantial building with a distinctive curved heads to many of the windows that, combined with the similar building over Ranelagh Road, dominates this junction.
 5. Most surrounding buildings contain timber windows that reflect the age and style of the buildings within the conservation area. However, there are a number of replacement uPVC windows in surrounding buildings of varying styles and designs. The proposal would replace the existing timber windows at Goodwin House with uPVC units. The existing windows are in varied conditions,
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although a number are in poor condition and may need significant work to repair or replace. The design of the proposed windows seeks to replicate that of the existing windows in the property whilst providing the benefits of modern double glazed units.

6. The timber sash windows are an intrinsic part of the building and complement the architectural integrity of it and the conservation area. The design of the replacement uPVC windows is similar to the existing timber windows, but the proposed material is more bulky than, and has a different appearance to, timber and along with other detailed design differences would be visible from the street. Consequently, replacement with uPVC would alter the character and appearance of this building and the conservation area, such that it would harm the significance of the heritage asset.
7. The National Planning Policy Framework (the Framework) advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.
8. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. The appellant refers to the environmental advantages of the proposed materials and that the windows would be A rated glass sealed units that would better reduce heat loss from the building and reduce the effect of traffic noise on living conditions of residents given this busy location on the approach to the town centre. The reduction in costs to heat the flats and the environmental advantages of the proposed windows are not set out or quantified. I note the concerns with regard to cost and feasibility of repair of the existing windows, especially given the coastal location with particularly harsh weather conditions. The potential advantage resulting from the reduction in need for scaffolding that may lead to public disruption has not been set out, nor has any investigation of whether the windows may be repaired or replaced with timber from within the building. However, none of these matters constitute public benefits sufficient to outweigh the harm that I have found.
10. For the above reasons, I conclude that the proposed windows would fail to preserve or enhance the character or appearance of the Deal Middle Street Conservation Area. As such, the proposal would be contrary to the objectives of the Dover District Core Strategy and the Framework that seek to preserve or enhance the quality of the historic environment.
11. On the basis of the above considerations, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR