
Appeal Decision

Site visit made on 4 April 2017

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 12 June 2017

Appeal ref: APP/Z2260/C/16/3158122
2 Alexandra Road, Broadstairs CT10 1EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by Mrs Julia against an enforcement notice issued by Thanet District Council.
 - The enforcement notice, ref. EN/15/0215, was issued on 5 July 2016.
 - The breach of planning control alleged in the notice is the installation of white uPVC windows, following the removal of timber sliding sash windows.
 - The requirements of the notice are to:
Remove the unauthorised uPVC windows and replace with timber sliding sash windows as the same design and profiling as those removed.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period, and the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matters

2. When originally submitted, this case included an appeal by Mr Wayne Urquhart on ground (a) only¹. However, the prescribed fee was not paid on this appeal, and as a result ground (a) and the deemed planning application lapsed. The appellant was advised of this by letter dated 20 December 2016. I have not therefore taken any further action on that appeal.

Background matters

3. The appeal property stands at the north-eastern corner of Alexandra Road and Albion Street, one of the principal commercial streets in Broadstairs. The building three storeys, with an art gallery on the ground floor, and residential accommodation above. The roof is concealed behind a parapet with small gables on the Alexandra Road elevation. The ground floor has large shop windows below grey painted fascias, the upper floors are finished in painted render.

¹ Appeal ref. APP/Z2260/C/16/3158123.

4. The uPVC windows in question are on the south-eastern corner of the building – two at first and second floors on the Alexandra Road elevation, and one on the second floor of the Albion Street elevation. I note that planning permission was refused on a retrospective application for replacement of these windows in September 2015². The windows appear to have a fixed top light and an opening lower light set within the fixed frame.
5. The appeal site is within the Broadstairs Conservation area, and I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal A on ground (a) and the deemed planning application

6. This ground is that planning permission should be granted for the breach alleged in the notice. The appellant argues that the building had been empty for a number of years when she bought it in 2015. The external appearance had been improved by cleaning and painting over the previous insensitive colour scheme. The building is now in use as an art gallery showing local artists' work, and as a holiday cottage. The replacement of the previously existing dark brown timber sash windows makes the building more energy efficient, and more attractive.
7. From my inspection of the appeal site and its surroundings, and from the written representations made, I consider the main issue in this case to be the effect of the development on the character and appearance of the Broadstairs Conservation Area.
8. The appeal property stands in a prominent location, particularly conspicuous on approach along Albion Street from the south-west, with the uPVC windows a very noticeable feature. Albion Street itself has a highly varied mix of buildings, a considerable number of historic interest, in an attractive variety of forms and materials. It presents the character of a lively high street, with mainly shops and other commercial uses on the ground floor, as well as residential uses.
9. The appeal property may have no intrinsic historic interest – and the appellant says it is no more than 20 years old. However, it was built to be very much in the style of the adjacent building, no 51 Albion Street, which is also rendered, with a parapet roof and small gables. It is probably a late 19th century building, and has traditional timber sash windows.
10. In views along Albion Street the elevation of the appeal property is seen immediately adjacent to that of no.51, and the uPVC windows can be seen in direct comparison with the traditional timber sash windows of that building. The bulky frame sections, modern materials and the general arrangement of the new windows appear incongruous in comparison with the elegant narrow timber sections of the earlier building. The lower opening light in the fixed frame exacerbates this bulky appearance, and is noticeably different from uniform narrow sections of the traditional windows.
11. The new windows also appear incongruous in wider views, where they are alien features in the context of the predominantly historic setting of the High Street. While I saw there are other examples of uPVC windows in the vicinity, these do

² Decision notice ref. FH/TH/15/0612, dated 29 September 2015.

not represent the prevailing form of windows in the area. I do not know how these other uPVC windows came to be installed, or whether they have been granted approval. In any case, the presence of other incongruous windows cannot justify the installation of these new windows, or make them more acceptable.

12. The appellant claims that the new windows can make the building more energy efficient. However, there are other means of increasing energy efficiency that do not entail introducing windows that harm the appearance of the building. In that regard the Council note that secondary double glazing might be one such solution. There is nothing before me to suggest that the appellant has explored other means of achieving her objective. Furthermore, even though the original windows may have been of an unattractive colour, that is no reason to replace them with windows of such significantly different material and form.
13. I conclude on the main issue that the development causes significant harm to the character and appearance of the Broadstairs Conservation Area. The development does not accord with the development plan, in particular with Policy D1 of the Thanet Local Plan of 2006, which includes aims to ensure that developments respect or enhance the character or appearance of the surrounding area.
14. I accept that the harm to conservation area interests would be less than substantial. However, paragraph 134 of the National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to a designated heritage asset – such as a conservation area – this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there would be virtually no public benefits arising from the development sufficient to outweigh the harm to conservation area interests.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed. I intend to uphold the enforcement notice, and to refuse permission on the deemed planning application.

Stephen Brown

INSPECTOR