

# Appeal Decision

Site visit made on 26 July 2017

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 10 August 2017**

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**Appeal Ref: APP/P3610/D/17/3176771**

**Spring Cottage, Spring Street, Ewell KT17 1UH**

- 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 Stephen Salvona against the decision of Epsom and Ewell Borough Council.
  - The application Ref 16/01522/FLH, dated 16 January 2017, was refused by notice dated 8 March 2017.
  - The development proposed is the erection of replacement double glazed windows to the front elevation of the property and a replacement front door.
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## Decision

1. The appeal is allowed and planning permission granted for the erection of replacement double glazed windows to the front elevation of the property and a replacement front door at Spring Cottage, Spring Street, Ewell KT17 1UH in accordance with the terms of the application, Ref 16/01522/FLH, dated 16 January 2017, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and 1012/2.
  3. The windows hereby permitted shall be carried out in accordance with the specifications contained in the Residence 9 product brochure or similar product as may be approved in writing by the Council.
  4. No work shall take place until detailed drawings or samples of all new external joinery details of the windows (depth of reveal, method of opening, details of heads, sills and lintels) and doors have been submitted to and approved in writing by the local planning authority. The submitted details of sample elevations shall be at a scale of not less than 1:20, and horizontal/vertical frame sections (including sections through glazing bars) at a scale of not less than 1:2. The works shall be carried out in accordance with the approved details.

## Main Issue

2. It is considered that the main issue is whether the proposed development would preserve or enhance the character or appearance of the Ewell Village Conservation Area.
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## Reasons

3. The appeal property is a large 1930s detached dwelling situated within the Ewell Village Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This statutory duty is echoed in Policy CS5 of the Epsom and Ewell Core Strategy (CS) and Policies DM8 and DM9 of the Epsom and Ewell Development Management Policies Document (DMP).
4. The *Ewell Village Conservation Area Character Appraisal & Management Proposal* (the *Character Appraisal*) identifies the area as encompassing the commercial village centre and outlying residential area. If the Conservation Area has a centre the *Character Appraisal* identifies this to be at the meeting point of London Road with Spring Street but this would not be that part of Spring Street which includes the property.
5. Opposite the property is Bourne Hall, a 1960s building which the *Character Appraisal* says has of some merit with its park being an important local amenity. Unlike Bourne Hall and the dwellings to the south of the hall the property is not identified as a positive building and it is also not included within any key view. The property itself possesses limited architectural merit albeit the bay windows within the front elevation area are of some interest. The dwellings adjacent to the property within this predominantly residential part of the Conservation Area are of similar quality and some have been altered.
6. Although the full details have not been provided, the *Character Appraisal* identifies that there is an Article 4 Direction which restricts replacing windows or doors on the front elevations of properties. The *Character Appraisal* refers to new windows and doors should be of traditional construction, design and materials, similar to that originally used and sympathetic to the building as a whole. The use of uPVC is considered to be generally out of character and, therefore, inappropriate.
7. It was evident from the site visit that some openings at other dwellings, including those neighbouring the property, have been replaced by uPVC windows which possess mitre joints, internal hinges and their casements and top lights projecting forward of the frame. I share the Council's concerns that these are clearly the unsympathetic type of windows which the *Character Appraisal* regards as uncharacteristic and inappropriate.
8. The proposed development includes the replacement of the existing timber door and windows within the property's front elevation. No objections have been raised by the Council to the proposed replacement front door. The windows within the other elevations of the property have already been replaced by uPVC windows of the type the subject of the appeal scheme. This product type is Residence 9 and the brochure has been provided by the appellant. The product type is specified on the appeal application form.
9. The windows which have been erected within the property's other elevations are of a high quality of design and possess timber effect frames, flush fitting casements, external hinges, butt joints and Georgian style glazing bars. The width of the window frames and mullions of these replaced windows are similar to traditional wooden windows, particularly when compared to the more typical and unsympathetic uPVC windows erected at other near-by dwellings. The

setting back of the property from the road further assists with the impression that the construction, design and materials of the replaced windows are sympathetic to the appearance of the property.

10. Subject to appropriate conditions to secure the use of the same product and window design which replicate those already erected, the proposed replacement windows would not materially erode the quality, character and appearance of the streetscene. The proposed windows would, in this specific case, be sympathetic to, and compatible with, the character of this residential property without causing unacceptable harm to its existing limited architectural merits, appearance and contribution to this part of the Conservation Area, including views from Bourne Hall. The proposed development would have a neutral effect on the character and appearance of the Conservation Area.
11. Accordingly, it is concluded that the proposed development would preserve the character and appearance of the Ewell Village Conservation Area and, as such, it would not conflict with CS Policy CS5 and DMP Policies DM8, DM9 and DM10. Further, and for reasons already given, it is concluded that the high quality design and choice of external materials requirements of CS Policy CS5 and DMP Policies DM9 and DM10 would be satisfied.

### **Conditions**

12. The Council has suggested a number of conditions in the event that this appeal succeeds which have been assessed against the tests contained in the National Planning Policy Framework and the National Planning Practice Guidance. For the reasons already given, it is necessary to specify the type of windows to be erected and, in the absence of any specific drawings beyond location and floor plans, it is appropriate for the detailed design of the proposed windows and door to be approved by the Council to ensure that they closely replicate the existing openings. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

*D J Barnes*

INSPECTOR