

Appeal Decision

Site visit made on 16 August 2017

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 21st August 2017

Appeal Ref: APP/P3610/D/17/3177160

37 Higher Green, Epsom, KT17 3BB

- 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 Elizabeth Jones against the decision of Epsom and Ewell Borough Council.
 - The application Ref 16/01530/FLH, dated 16 January 2017, was refused by notice dated 29 March 2017.
 - The development proposed is replacement of windows at front of property with UPVC leaded light double glazed units.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of windows at front of property with UPVC leaded light double glazed units at 37 Higher Green, Epsom, KT17 3BB in accordance with the terms of the application, Ref 16/01530/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 unreferenced plans and documents: Site location plan, Front elevation plan, Side elevations plan, detailed window elevations and the Product Specification/Survey Details pages 1-5.

Procedural matter

2. The address of the appeal site is given variously as Epsom and Ewell. The correct postal address appears to be Epsom and I have therefore used this in my decision.

Main Issue

3. There is one main issue which is the effect of the proposed replacement windows on the character and appearance of the host dwelling, the street scene of Higher Green and the Higher Green/Longdown Lane Conservation Area.
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Reasons

4. The appeal dwelling is a two storey detached house which lies within the Higher Green Conservation Area (CA). The Council's Character Appraisal and Management Proposals for the area (CAMP), published in 2009, describe the area as a quiet residential suburb. It dates from the late 1920s and was built in "a pleasing vernacular style. The houses retain elements taken from the historic buildings of Surrey with steeply pitched tiled roofs, tiled and timber-framed decoration, leaded light windows, and a variety of front doors and porches". A common building line and cohesion of architectural details give the area a strong architectural character with no one building standing out. Interest is provided through the variations between the design of individual properties. The area is well maintained.
5. Windows, almost without exception, have white frames and leaded lights which are characteristic of the original windows. The glazing pattern varies between a rectangular and diamond shape with the rectangular pattern more common. However, from the evidence including my site visit, it is clear that the overwhelming majority of the original, metal framed windows in Higher Green have been replaced over time. A small number of houses appear to have mostly originals and in others a small number of original windows appear to have been retained. The replacements vary and appear to include wood, metal and UPVC. In general they copy the pattern and colour of the original windows and in most cases, whilst different from the originals, substantially preserve the character and appearance of the dwellings.
6. The appeal dwelling has replacement windows with diamond leaded lights to the front elevation. The Council's evidence states that these are of wood and metal. The appellant states that one existing front window is UPVC. These windows, whilst not original, preserve the original character and appearance of the building which is identified on the Townscape appraisal map for the Higher Green CA as making a positive contribution to the special interest of the CA.
7. The proposed replacement windows would be of UPVC with slim, white frames and rectangular leaded lights. They would, when seen from the public highway, have a similar appearance to the existing replacement windows at the appeal dwelling and other replacement windows elsewhere in the street. Whilst not the same as either the original or existing replacement windows they would therefore preserve the character and appearance of the host dwelling and the CA, albeit that the material would not be traditional.
8. I note that the CAMP states that original windows should where possible be retained. That is necessary to preserve the character and appearance of the heritage asset. However, in this case the originals have already been lost. The CAMP suggests that UPVC and aluminium are generally out of character and therefore inappropriate. Nevertheless, both are prevalent in Higher Green and, according to the Council's evidence, have been permitted in front windows on a number of occasions by the Council, in some cases very recently, since the CA was designated and the Article 4(2) Direction made in 2000.
9. Policy DM8 of the Epsom & Ewell Development Management Policies Document (DMPD), 2015, is consistent with the National Planning Policy Framework (NPPF) in seeking opportunities to conserve and enhance heritage assets, including

CAs. In this case, where the proposed development appears to be consistent with others already permitted nearby, conservation would be appropriate since it would be unreasonable to treat similar cases differently.

10. It is therefore concluded on the main issue that the proposed replacement windows would preserve the character and appearance of the host dwelling, the street scene of Higher Green and the Higher Green/Longdown Lane Conservation Area such that no harm to the heritage asset would arise. In consequence there would be no conflict with DMPD Policies DM8, DM9 and DM10, Policy CS5 of the Core Strategy, 2007, and the NPPF which, taken together, expect new development in conservation areas to incorporate good design which is compatible with the local character and includes locally distinctive features and the use of appropriate materials, such that the character and appearance of the CA is protected, conserved or enhanced.
11. The Council suggests one condition in addition to the statutory commencement condition, requiring the development to be carried out in accordance with the approved plans. I agree this is necessary in order to provide certainty and to preserve the character and appearance of the host dwelling and the CA.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR