
Appeal Decision

Site visit made on 18 October 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 6 November 2017

Appeal Ref: APP/W4515/D/17/3179210
35 Percy Street, Tynemouth, NE30 4HA

- 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 Ms Susan Currie against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 17/00331/FULH, dated 14 February 2017, was refused by notice dated 16 May 2017.
 - The development proposed is replace single-glazed white wood-framed windows with double-glazed white wood-textured PVC windows using materials and design to replicate all sight lines.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is confirmed that the description of development has not changed from that stated on the application form but, nevertheless, a different wording has been entered. A different wording has also been used on the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Following the determination of the application, the North Tyneside Local Plan 2017 (LP) has been adopted. As a result, Policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002 have been superseded. The Council provided copies of the policies from the LP with the Questionnaire. On this basis the main parties have been given suitable opportunity to comment on the newly adopted policies and I have determined the appeal on that basis.

Main Issue

4. The main issue in this appeal is the effect on the character and appearance of the host property and the Tynemouth Village Conservation Area.

Reasons

5. The appeal site is a terraced property located on Percy Street, which is a side road leading from the main thoroughfare of Percy Park Road. The site is

located within the Tynemouth Village Conservation Area (CA) and as such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. Although the property is of an understated character, it is of an attractive appearance representative of residential properties in the side streets of this part of the CA and which contribute to its importance as a designated heritage asset.

6. Within the context described above, the proposal would sit uncomfortably with the appearance of the host dwelling and traditional windows evident elsewhere in the CA. The replacement windows would be of an unsympathetic design due to the use of UPVC and resultant frames which would be of an inappropriately crude, heavy and modern appearance. Whilst it is proposed to use a wood-textured finish, this would not overcome the impact from the heavy frame design and I consider that the use of non-traditional UPVC would still be readily apparent. I note that the CA Management Strategy¹ (CAMS) identifies the harmful impact arising from the number of unsympathetic replacement windows in the CA and states that existing unsuitable windows should be replaced with good quality replicas of the original design. To this end, I also note that an Article 4(2) Direction was imposed in 2007 to curtail development rights in the area, including the replacement of windows.
7. The front elevation of the property is prominent in views along Percy Street and makes a valuable contribution to the townscape of this part of the CA. The rear elevation is not readily visible from the public realm; however, it would be visible from the rear of adjacent properties and I saw that some rear windows of adjacent properties were of a traditional sash design which the proposed windows would be at odds with. However, I also saw that the windows of the property did not appear to be original and that there were a variety of window designs in the immediate area. The Council states that many of these may have been replaced under each property's permitted development rights prior to the Article 4(2) Direction. Therefore, whilst the existing windows may be of an unsympathetic design, this does not justify their replacement with windows of a similarly unsympathetic character.
8. The appellant has expressed concerns in relation to a number of matters raised in the Council Officer's report, including whether the windows retain some elements of original character. However, I note that the report states that the windows do not appear to be original. Whilst the report states that "originals can be found in equal measure to replacements" this was made within the context of the wider CA rather than the specific vicinity of the appeal site.
9. The appellant refers to a number of windows in the vicinity which are of a modern design and use modern materials. However, I do not have details of the circumstances which led to these windows being installed and so cannot be sure that they represent a direct parallel to the appeal proposal, particularly as these may have been installed prior to the Article 4(2) Direction. Furthermore, I do not consider that the installation of windows of an unsympathetic design on other properties justifies the further erosion of the character and appearance of the CA.
10. The appellant also queries whether the appeal property has particular heritage significance. In particular, I note her contention that the detailing around the front door is a modern addition. However, this does not significantly detract

¹ Tynemouth Village Conservation Area Management Strategy - Supplementary Planning Document 2014.

from the contribution that the front elevation as a whole makes to the townscape of the CA.

11. I am mindful that the maintenance of wooden frames on the front elevation may require scaffolding to be erected on the highway. However, such maintenance would be infrequent and scaffolding would only be in place for a short period of time. I also saw that the flow of traffic along this side street is limited. I do not therefore consider that matters of inconvenience or highway safety arising from the maintenance of the windows would outweigh the harm arising from the proposal. Whilst the harm to the significance of the wider CA would be less than substantial, I consider that any public benefits of the proposal would not outweigh the identified harm.
12. I have considered the Council's argument that the proposal would set a precedent for similar developments in the CA. Whilst each application and appeal must be treated on its individual merits, I appreciate the Council's concern that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern due to the proliferation of unsympathetic window designs elsewhere in the CA as recognised by the CAMS. Allowing this appeal would make it more difficult to resist further planning applications for similar proposals, and I consider that their cumulative effect would exacerbate the harm to the CA which I have described above.
13. I conclude that the proposal would fail to complement the host property and to preserve the character and appearance of the CA. The proposal would therefore be contrary to Policies DM6.1, S6.5 and DM6.6 of the LP in relation to the design of development and the effect on heritage assets. The proposal would also be contrary to the advice of the CAMS in relation to the replacement of existing unsympathetic window designs.
14. For the reasons given above and taking account of all material planning considerations I conclude that the appeal should be dismissed.

David Cross

INSPECTOR