



Appeal Decision

Site visit made on 24 July 2019

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/K2230/D/19/3228435

15 The Street, Shorne, Gravesend DA12 3EA

- 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 Lisa Hoffard against the decision of Gravesham Borough Council.
 - The application Ref 20180713, dated 3 July 2018, was refused by notice dated 15 February 2019.
 - The development is the replacement of windows on the front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development has preserved or enhanced the character or appearance of the Shorne Conservation Area.

Reasons

3. The appeal property comprises a double fronted two storey Victorian detached house located on the eastern side of The Street and opposite its junction with Manor Field. It has two ground floor bay windows, each containing three separate windows, and five windows at first floor. The development applied for i.e. the replacement of all windows on the front elevation, had already been carried out at the time of my site visit. The property forms part of Shorne Conservation Area, and I noted that it has a mixed character of modern and historic properties. Opposite for example is a relatively modern village hall and a small parade of modern shops to the north, whilst adjoining to the south are historic residential properties. Elsewhere there tends to be further historic residential properties of varying character and design, interspersed with more recent residential development.
4. Because of its location, I have given special attention to the statutory requirement to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In that respect, the appellant argues that the replacement windows have been on a like for like basis with little discernable change from the previous windows. My attention has also been drawn to various examples throughout the area where less sympathetic windows have been installed.

5. However, whilst I would agree that the replacement windows are good quality and in wood rather than uPVC, I do not agree that they are 'like for like' in that the detailing is quite different. In particular from comparing the photographs of the original windows, I note that the meeting rails are of thicker proportions, as is the top rail which also incorporates a trickle vent feature. Furthermore, as a result of the heavy double glazed units, the windows have applied central glazing bars, rather than being through glazing bars, and that the glazing itself has a distinct flatness and high reflective quality to it, compared to traditional glazing. In my view, a combination of that detailing has resulted in significant loss of period detailing and detracted from the character of this very pleasant building.
6. In terms of the role of the appeal building within the Conservation Area, it occupies a prominent position in The Street, with space to either side and also opposite. Presumably because of its intrinsic qualities and prominence, it was also specifically identified as making a positive contribution to the character of the Conservation Area in the Shorne - Rural Conservation Appraisal 2016. Whilst the appraisal notes the various modern interventions, which is not unusual in Conservation Areas with a mixed age of properties, I also note that the view south from just to the north of the appeal site (and which therefore includes it) is also identified as being an important view contributing to the character of the Conservation Area. I attach greater weight to the positive role of No 15, rather than the modern interventions nearby, because of its historic character and the part it plays in the historic views.
7. I accept that there have been a number of less than sympathetic alterations to windows within the Conservation Area, as pointed out by the Appellant and which I noted on my site visit. However, I also observed a number of historic properties which either retained their historic windows, such as Nos 8, 10 and 28 The Street, or where sympathetic replacements have been installed such as No 6 The Street. I also note that primarily because of the concerns about insensitive changes to windows in particular, the Council made an Article 4 Direction in 2010 in order to arrest further decline to the character of the Area. Again, I attach significant weight to that in terms of the desirability of the Council to preserve or enhance the character or appearance of the Conservation Area.
8. Drawing all of the above factors together, I find that the replacement windows have caused harm to the character of the building and that as a result the character and appearance of the Conservation has been neither preserved or enhanced. In reaching that finding, I am also mindful of recent a recent Court of Appeal decision where it was held that a decision maker, having found harm to a heritage asset, must give that harm 'considerable importance and weight'¹.
9. Having regard to the above, I consider that whilst there has been harm, it is less than substantial in terms of the significance of the Conservation Area. In those circumstances, the National Planning Policy Framework advises that such harm should be weighed against the public benefits of the proposal. In that respect, the appellant refers to the fact that the original windows caused damp penetration and lacked insulation to protect against noise from village hall activities opposite

¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG (2014) EWCA Civ 137.

10. Whilst I have no reason to dispute those claims, there is no specific evidence before me that the problems were of such an extent so as to require total replacement, or that the existing windows could not be repaired or restored. In that regard I note that the Council refers to the fact that it is rare for all windows to be beyond repair and that accords with my own experience on such matters. Historic England advises on a variety of means to upgrade traditional windows to cope with modern day life, including draughtproofing through the use of compression seals and secondary glazing. Such options in conjunction with localised repair can often considerably extend the life of original windows. However, in the event that the windows were indeed beyond reasonable repair, then similarly, there is no specific evidence before me to explain why purpose made replacement windows based on the original detailing could not have been a suitable replacement.
11. The appellant says on the application form that pre application advice was sought but no one from the Council contacted her. The Council responded by saying that it had no record of such advice being requested. Notwithstanding, I note that within the grounds of appeal, the appellant includes written pre application advice from the Council to herself dated March 2014. Whilst that request was in relation to replacement with uPVC, the Council specifically advised that the windows should be retained and refurbished by a specialist sash window renovation company. The appellant was also advised to contact the Council on any proposed refurbishment works to check whether any planning permission would be required.
12. Given the above, I am surprised that the appellant chose to proceed with replacement windows without first checking with the Council, particularly as there was apparently a clear desire to replace the windows rather than repair them at that time. In particular, if the windows had been beyond reasonable repair, I would have expected the appellant to seek further advice from the Council, prior to proceeding with the replacement, given the clear advice that she had received regarding the need for reinstatement of appropriately detailed traditional type of windows. Accordingly, I find no compelling public benefit which would override the harm caused, given that alternative solutions would have been available; either by restoration of the existing windows, or suitably detailed replacement traditional windows.
13. I note the appellant's reference to an apparently similar appeal in Waveney in 2002. I have no particular details on that case before me and such matters need to be decided on the individual merits and site circumstances of each particular proposal. As such it has not been decisive in my findings above, which I have reached on the basis of specific evidence before me and site issues in the context of Shorne Conservation Area.
14. The appellant argues that the proposal satisfies the three overarching objectives of sustainable development within the Framework, namely; the economic, social and environmental objectives. However, for the reasons set out above I do not believe that to be the case in that in respect of the social and environmental objectives, there were alternative design solutions to ensure that the occupants of the property could remain healthy, and to safeguard the built and historic environment.
15. Having regard to the above, the development is contrary to Policy CS19 and CS 20 in the Council's Core Strategy 2014, and Saved Policy TC3 in its Local Plan

First Review 2014, in that it does not conserve and enhance the local built and historic environment, does not preserve or enhance a Heritage asset, including a Rural Conservation Area, and does not make a positive contribution to the Conservation Area.

16. Accordingly the appeal is dismissed.

Kim Bennett

INSPECTOR