
Appeal Decision

Site visit made on 27 June 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/X2220/W/18/3215803

2 New Street, Dover CT17 9AJ

- 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 F Hinds Ltd against the decision of Dover District Council.
 - The application Ref DOV/18/00064, dated 16 January 2018, was refused by notice dated 16 August 2018.
 - The development proposed is the replacement of existing windows to Biggin Street elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Dover Town Centre Conservation Area (CA).

Reasons

3. The appeal site is a 4-storey, end-terrace property on the junction between New Street and Biggin Street. There is a retail unit on the ground floor and residential flats above, which are accessed from New Street.
4. Whilst the building is not locally or statutorily listed, it is in the CA and as such benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The character of the Conservation Area derives from tall Victorian and Edwardian terraces fronting the main shopping precinct. There is a tight street enclosure interrupted in places by intersecting roads and providing views towards higher ground on either side of the town centre.
5. The appeal property, along with the others nearby, plays a role in defining the Conservation Area's distinctiveness and significance as a heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The site is prominently located on a junction with front and corner window features at first and second floor levels. There is a strong sense of uniformity at upper floor level within the streetscene through the repetition of window patterns and decoration, and these visually harmonising features greatly enhance the quality of the area.

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7. A building's fenestration is an important component in defining its visual and architectural character. The proposed windows would be constructed in UPVC frames and this would introduce a material finish to the appeal building that is not prevalent in other buildings found elsewhere on the prominent shopping centre frontages of Biggin Street and Cannon Street. UPVC is a material that has an artificial texture and a more uniform finish, when new and when ageing, than painted timber windows. The white finish and pattern of the proposed UPVC windows would provide some harmony with other windows in the street. Nevertheless, it would still be possible to discern them as modern insertions that are an incongruous intrusion into the historic street scene.
 8. I note that UPVC windows have been permitted on the flank elevation to New Street, however these would only be readily apparent from this narrow side lane and as such they would not have a wider visual impact. The Appellant also refers to other instances of UPVC windows in the area, however those on 24 Cannon Street are to the rear elevation and therefore do not share the same prominence as those fronting the main shopping area. I have not been provided with evidence to substantiate the presence of other UPVC use; in any event, the existence of the material elsewhere is not a strong point in favour of the appeal scheme.
 9. The harm that would arise would be localised and therefore the impact on the CA as a whole is less than substantial within the meaning of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal would reduce energy use in the building. However, I have not been presented with substantive evidence to suggest that UPVC windows significantly outperform well-installed and maintained timber windows in this regard, which could also be double glazed. As such, the public benefits of the appeal scheme are of no more than limited weight and do not outweigh the harm identified. This has resulted in a conflict with the Framework because the harm to the CA does not have a clear and convincing justification, and the Framework requires great weight to be given to the conservation of designated heritage assets.
 10. I conclude that the scheme would harm the character and appearance of the CA. Whilst my attention has not been drawn to a specific development plan policy which addresses this matter, the proposal would not accord with the Framework, which requires the conservation of designated heritage assets and that new development should make a positive contribution to local character and distinctiveness.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR