



Appeal Decision

Site visit made on 17 September 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/F1040/D/19/3230699

2/4/6/8 Portland Street, Etwall, Derby, Derbyshire DE65 6JF

- 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 Andrew Whitehouse against the decision of the South Derbyshire District Council.
 - The application Ref 9/2019/0249, dated 27 February 2019, was refused by notice dated 14 May 2019.
 - The development proposed is described as "A joint application for new windows and doors of a similar design but the use of wood look uP.V.C instead of timber. House numbers 2,4,6, and 8 of Portland Street Etwall all require new windows and doors due to the failure of timber which was put in on the original build in 2011."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The proposal as submitted to and assessed by the Council relates to development at Nos 2,4,6, and 8, Portland Street. I understand that the appellant wishes the appeal to be considered in relation to No 4 only. In the interests of fairness, I have considered the proposal on the same basis that it was determined by the Council. Nevertheless, my determination includes the impact of the proposal as it relates to No 4.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Etwall Conservation Area.

Reasons for the Recommendation

5. The group of residential properties formed by houses nos. 2,4,6,8 is a relatively new development within the Etwall Conservation Area. The properties are located within proximity of the junction of Portland Street and Willington Road and are visible on both roads. Therefore the group of houses is an important feature in the street scene.
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6. The proposal seeks the replacement of the original timber windows and doors with uPVC wood grain Georgian look style windows and timber/composite wood look cottage style doors.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 185, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
8. From all I have seen and read, the group of buildings was carefully designed to respond to the character and appearance of the Conservation Area in terms of scale, form and detailed design. The use of traditional timber joinery makes a positive contribution to the appearance of the dwellings.
9. I note that the design and colour intended for the proposed windows and doors would be similar to those of the original ones. The appeal statement also indicates that the existing lead sills will be retained. However, uPVC and composite are not traditional materials and tend to be bulkier, flatter, smoother and glossier in finish than traditional timber units, giving them a modern and less refined appearance. Whilst I acknowledge that the appellant is proposing units with a 'wood grain' effect these materials would fail to reflect the detailed appearance of timber joinery. In this case, because the windows and doors are an important aspect of the buildings' character, the use of uPVC and composite units would cause significant harm to the appearance of the buildings. Given the prominence of the group of buildings and its importance in the street scene, the proposal would also have an adverse effect on the character and appearance of the Conservation Area.
10. I acknowledge that because of the siting of the buildings in relation to Portland Street and neighbouring properties, some parts of the buildings are more prominent than others. Thus, not all windows and doors have the same level of visibility within the street scene. Notwithstanding this, they all contribute to the character and appearance of their host buildings, and any harm to the appearance of the group of buildings would be detrimental to the character and appearance of the area.
11. The appellant argues that the existing windows and doors are falling into a state of disrepair. Moreover, I have seen no evidence to show that the windows and doors could not be repaired as part of the routine maintenance of the property, and lack of such maintenance does not justify the use of inappropriate and harmful replacement materials. My attention has also been drawn to examples of uPVC replacement windows and either composite or uPVC doors within proximity of the appeal site, which I did note during the site visit. However, they do not constitute examples of sympathetic development in a Conservation Area, and do not therefore justify the appeal proposal.
12. Therefore, the scheme before me would constitute a form of development detrimental to the character and appearance of the Conservation Area. In terms of the approach set out in the Framework, given that the proposal would affect only part of the Conservation Area, harm to the significance of the

heritage asset would be less than substantial. This is not the same as a less than substantial objection. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework.

13. I acknowledge that the proposal may improve thermal efficiency although there is no specific evidence before me to support this assertion. Consequently, this matter, even if it was considered a public benefit, carries little weight in support of the proposal. As such, public benefits are not sufficient to outweigh the harm I have identified, harm which, given the weighty requirements of the Act, carries great weight.
14. For the above reasons, the proposal would fail to preserve or enhance the character or appearance of the Etwell Conservation Area and as such would not meet the statutory requirements of the Act. Furthermore, the development would be contrary to Policies BNE1 and BNE2 of the Part 1 Local Plan 2016, and Policy BNE10 of the Part 2 Local Plan 2017, which collectively state that, amongst other matters, development should be appropriate to its context and protect and enhance historic assets.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR