
Appeal Decision

Site visit made on 1 October 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/M2270/W/19/3233191

Flat 3, 23 Lime Hill Road, Royal Tunbridge Wells TN1 1LJ

- 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 Miss Angela Holland against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03527/FULL, dated 21 March 2017, was refused by notice dated 14 June 2019.
 - The development proposed is insert 4 x PVC-u white sash windows into existing box frames.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development shown on the Council's decision notice in the banner heading because it is more concise than the description shown on the planning application form.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Tunbridge Wells Conservation Area.

Reasons

4. The appeal property is a second floor flat within a 3 storey terraced building in the Tunbridge Wells Conservation Area. The terrace comprising Nos 21 – 27 Lime Hill Road makes a positive contribution to the historic and architectural significance of the Conservation Area because it includes original traditional features that are characteristic of the period of construction. The windows are an important part of the original composition and, apart from the second floor flat at No. 25, the windows are all original timber sash windows, which provides uniformity and an aesthetically pleasing appearance.
5. I have had regard to the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservations areas. Furthermore, paragraph 193 of the National Planning Policy Framework ('Framework') states

that “great weight should be given to the [designated heritage] asset’s conservation”.

6. The appeal scheme would result in the loss of traditional timber sash windows. I recognise the appellant’s efforts to source a product that mimics the design and appearance of traditional timber sashes. However, the u-PVC materials would fail to successfully replicate the appearance of painted timber. Furthermore, the detailing of the proposed windows would not closely reflect the original timber windows.
7. In particular, the proposed u-PVC windows would not replicate the depth of the bottom rail of the original timber windows. The sash horns of the u-PVC windows would be stuck-on additions, which would not reflect the original timber windows where the sash horns run through the frame. The proposed windows would also appear heavier than the original windows due to the provision of double glazing and the thicker frames required to support it.
8. Whilst the proposed u-PVC windows would be positioned on the second floor of the building, they would be noticeably different to the existing traditional timber sash windows when viewed from the street. The proposed replacement windows at the appeal property would consequently contribute to the incremental loss of a traditional feature that characterises the area. It would also result in erosion of the uniform appearance of the terrace comprising Nos 21 – 27 Lime Hill Road.
9. I acknowledge that there are examples of u-PVC windows elsewhere in the Conservation Area, however details of their planning history are not before me. Nevertheless, the loss of traditional timber windows at neighbouring buildings has had a negative effect on the historic and architectural significance of the Conservation Area and I do not consider that the existing u-PVC windows justify the further harm that would result from the appeal scheme.
10. Given the extent of the proposed development, the harm to the character and appearance of the Conservation Area would be less than substantial. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appellant’s statement refers to the benefits of the proposed u-PVC windows, including improved thermal efficiency and reduction of carbon footprint. At my site visit I observed that the existing timber windows at the appeal property had some deterioration, including flaking paint on the window frames and small cracks in the glass in the kitchen window. However, there is no evidence presented to demonstrate that the condition of the windows has deteriorated beyond viable repair. Furthermore, there are other strategies available to achieve the thermal efficiency and wider environmental benefits that the appellant seeks, without installing u-PVC windows and causing harm to the character and appearance of the Conservation Area.
12. I observed that there was black mould on the window frames, which appears to be due to condensation on the inside of the windows. This could be addressed by improving ventilation to reduce the moisture content of the air inside the rooms.

13. I attach great weight to the less than substantial harm that the proposed development would cause to the character and appearance of the Conservation Area. In weighing the harm against the wider public benefit of improving the thermal efficiency of the property, I find that the harm to the character and appearance of the Conservation Area outweighs the public benefits of the appeal scheme.
14. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the Tunbridge Wells Conservation Area. The proposal would therefore fail to comply with Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010, saved Policies EN1 and EN5 of the Tunbridge Wells Borough Local Plan 2006 and Chapter 16 of the National Planning Policy Framework, which, amongst other things, seek to ensure that the design of proposed development would respect the context of the site and that the character or appearance of conservation areas would be preserved or enhanced.
15. The Council has cited Core Policy 5 of the Tunbridge Wells Borough Core Strategy 2010 in the reason for refusal, however this relates to sustainable design and construction and so it is not relevant to the Council's objection.

Conclusion

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

C Osgathorp

INSPECTOR