



Appeal Decision

Site visit made on 11 January 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/V0278/D/19/3239164

10 South Loftus Farm Lane, Loftus TS13 4JU

- 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 P Brown against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2019/0366/CA, dated 30 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is replacement windows and garage door.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed replacement windows on the character and appearance of the area, which forms part of the Loftus Conservation Area (LCA).

Reasons

3. The appeal property lies within a traditional stone terrace of houses at South Loftus, within the LCA. There is an Article 4 Direction in force which requires planning permission to be obtained for works including replacement windows.
4. Within the front elevation of the terrace there are a wide range of window styles and materials, including uPVC. An archive photograph has been provided which shows that the original windows in the terrace were of the timber sash and case type. The photograph is black and white therefore it is not possible to say what colour the windows were painted although most are light in colour. To the rear of the terrace there is also a wide range of window types and the window openings are of proportions which suggest that they may never have been sash and case windows.
5. The windows which it is proposed to replace, although granted planning permission around 1995, are in poor condition and there is no disagreement that their replacement is appropriate. The crux of the dispute between the parties is the design of window and choice of colour. The front windows would not be of sliding casements, but would be of a type with a top casement which would tilt outwards, and be of timber effect uPVC. The rear windows would be 12 pane casements in uPVC, with the lower section tilt opening outwards.

6. The proposed use of uPVC in this case is not in dispute and the conservation officer acknowledges that whilst ideally the windows would be timber there are suitable uPVC sliding sash windows available.
7. Given the existing variety of windows within the front elevation of the terrace, it could be many years before some uniformity of style is achieved and the overall character of the asset enhanced. However, the appeal property is an opportunity to continue this process and the use of sliding sash windows, even if uPVC, is necessary to ensure this enhancement. Although the property is located mid terrace, and the views from the lane are limited by the presence of high walls and landscaping, the contribution it makes to the appearance of the whole terrace is of significance to the character of the area. The use of a top opening casement as proposed would appear at odds with this when tilted open. There is some disagreement between the Council regarding whether the top casement would be set forward of the bottom. However, I accept the appellant's clear statement that the top casement would be forward of the lower, were the proposal to succeed.
8. The appellants are elderly and it is suggested that the type of window proposed would be easier for them to clean. I have no information available to me as to how alternative modern uPVC sash and case windows would operate in terms of cleaning the outer panes. However, it is not uncommon for those living in a conservation area to have to clean and maintain traditional sash and case windows therefore I must attach limited weight to this argument.
9. I have not been provided with a colour photograph of the proposed golden oak colour, however in principle the use of timber effect uPVC would appear out of keeping with the terrace and the LCA as a whole. There may be other examples where such colour finishes have been used elsewhere in the LCA, but the majority of windows are white in colour whether timber or uPVC, in keeping with the local vernacular. I accept the appellant's point that uPVC can be painted in the future, however most people installing such windows are doing so to avoid the need for repainting for many years, therefore this is not a strong argument in favour of the proposed use of the oak colour.
10. The Loftus Conservation Area Appraisal comments that the additional controls under Article 4 cannot be used to reinstate lost features, but it is possible to ensure that future changes are more in keeping with the special character of the area¹. The appeal proposal, whilst seeking to achieve a satisfactory solution in terms of the type and colour of window, would for the reason given, undermine this process.
11. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the LCA. For the reasons given, the proposal would not meet the test imposed by the Act.
12. The Framework is clear that any harm to the significance of a designated heritage asset requires clear and convincing justification. In the case of the proposal the harm would be classed as less than substantial. That does not mean that the harm would be less than significant. It is necessary to weigh the less than substantial harm against the public benefits of the proposal². In view

¹ The appellant refers to this point being from the Town and Country Planning Act 1990

² National Planning Policy Framework February 2019 paragraph 196

of the nature of the proposal any public benefits would be very limited and insufficient to outweigh the importance which national and local policy gives to the conservation of such designated heritage assets.

13. The Framework also requires that local planning authorities and developers understand the significance of heritage assets and address the impact of proposals in a manner proportionate to their importance. The LCA Appraisal describes in detail the character of the area including South Loftus, and the potential effect that unsympathetic alterations may have. The windows proposed would be such an alteration and resisting their use is in accordance with the Framework.
14. I therefore conclude that the proposal would result in adverse effects on the character and appearance of the area, which forms part of the LCA, in conflict with Policy HE1 of the Redcar and Cleveland Local Plan 2018 which requires, amongst other things, that development must respect architectural and historic character.

Conclusion

15. For the reasons given the appeal is dismissed.

Tim Wheeler

INSPECTOR