
Appeal Decision

Site visit made on 25 February 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/V0728/W/19/3242085

22A Milton Street, Saltburn-by-the-Sea TS12 1DG

- 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 Helen Stevenson of Thomas & Stevenson against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2019/0510/RT, dated 9 August 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the installation of replacement uPVC windows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form, amended slightly to remove wording which is not an act of development. Nonetheless, the original description described the application as 'retrospective' and as the replacement windows for which planning permission is sought have already been installed, I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the replacement windows on the character and appearance of the host building and the Saltburn Conservation Area.

Reasons

4. The appeal site sits within the Saltburn Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
5. Much of the character of central Saltburn, and indeed the significance of the Conservation Area, derives from the town centre's history as a planned Victorian town. The appeal site is a first-floor apartment within the block at 14

to 28 Milton Street, which has commercial units on the ground floor and residential accommodation above. The block is built of red brick with pitched slate roofs, and its timber-framed shop fronts are overwhelmingly of traditional appearance. The use of red brick makes the block relatively unusual on Milton Street, where most of the Victorian buildings are of cream brick. However, the traditional appearance of the block makes an important contribution to the smart historic character of this part of the Conservation Area and so to the town as a whole.

6. Nos 14 to 20 have a lower roofline and so present only a single storey frontage to Milton Street, while Nos 22 to 28, including the appeal site, has four upper floor windows on the front elevation. The two middle windows serve the appeal property, and uPVC units have been installed. From the information before me, I understand that the previous timber windows were the same in appearance as those still in place on either side of the appeal site. The uPVC units which have been installed lack a wide central and have thick-framed lower opening leaves. This gives them a more solid appearance and a greater horizontal emphasis than the retained timber sash windows on either side. They consequently disrupt the uniform and traditional appearance which is characteristic of the host building, and appear incongruous when seen against the largely finely-detailed frontage of the host building.
7. The appellant has indicated that the timber windows previously in place were in a state of disrepair and were not energy efficient, and therefore needed to be replaced. The appellant has also referred to the need for the windows to offer an emergency escape route from the flat, and indicates that the Council advised in April 2019 that 'look alike' windows could be an acceptable solution. This advice appears to have been disregarded on the basis of the difficulty of providing a reliable weather seal, but there is no information before me either to explain why this should have been the case, or to indicate that further possible alternatives which would be more acceptable in design terms were considered or discussed further with the Council.
8. The appellant has also referred to the presence of other uPVC windows near the appeal site, and I observed several such examples at the time of my site visit although I do not know the circumstances in which these other windows were installed. While the appellant has drawn my attention to a planning permission at 9A Milton Street, it dates from December 2008 when a different set of development plan policies were in place. That case therefore does not represent a direct parallel to or precedent for the proposal now before me. In any event, the fact that unsympathetic windows are in place elsewhere in the Conservation Area is not in itself a reason to allow further unacceptable development. As installed, the uPVC windows are detrimental to the quality of the built environment of this part of Milton Street, which in turn detracts from the historic qualities of the Conservation Area. Even if I were to accept that uPVC windows are so commonplace throughout the Conservation Area as to be an established part of the character and appearance of the Area, this would still not mitigate the specific harm to the character and appearance of the host block caused by the windows in this case.
9. I conclude that the replacement windows are harmful to the appearance of the host building, and fail to preserve the character and appearance of the Saltburn Conservation Area. Given the size of the Conservation Area as a whole, the impact of the windows is localised but nonetheless harmful. In terms of the

Framework the harm to the significance of the Conservation Area as a designated heritage asset is less than substantial. However, no public benefits arising from the scheme have been identified.

10. The installation of the replacement windows therefore conflicts with Policy HE1 of the 2018 Redcar & Cleveland Local Plan, which seeks to ensure that the development preserves or enhances the character or appearance of Conservation Areas by, among other things, respecting the architectural and historic character of the Area and using appropriate detailing and materials.

Other Matter

11. The appellant expressed concern in their final comments about how they and their planning application have been handled by the Council, including in respect of the Council's decisions to take planning enforcement action or not. I have addressed this point above only insofar as it relates to the presence of other uPVC windows elsewhere in the Conservation Area. Beyond this, it is a matter which the appellant would need to raise with the Council rather than something for me to address in determining this appeal. I have reached my conclusion based on the planning merits of the case, and find that it causes harm as described above.

Conclusion

12. I conclude that installation of the replacement windows is contrary to the development plan, and there are no other considerations that outweigh this conflict. For this reason, the appeal is dismissed.

M Cryan

Inspector