

Appeal Decision

Site visit made on 8 June 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2020

Appeal Ref: APP/X1355/D/20/3249111

16 Mistletoe Street, Durham DH1 4EP

- 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 N Swift (Hope Estates) against the decision of Durham County Council.
 - The application Ref DM/19/03309/FPA, dated 16 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is change of ground floor bay windows and door.
-

Decision

1. The appeal is allowed and planning permission is granted for change of ground floor bay windows and door at 16 Mistletoe Street, Durham DH1 4EP in accordance with the terms of the application, Ref DM/19/03309/FPA, dated 16 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 1091-02; Existing and proposed elevations 1099-01; Ultimate Rose technical drawings; and Ultimate Rose technical information.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Durham City Centre Conservation Area.

Reasons

3. The appeal property is a mid-terraced two storey dwelling on Mistletoe Street, one of a handful of streets set at right angles to Hawthorn Terrace. The site lies within the Durham City Centre Conservation Area (CA) and, more specifically, the Hawthorn Terrace sub-character area of Character Area 3 – Crossgate.
4. Mistletoe Street is one of 4 streets that lead off Hawthorn Terrace, at right angles to it, towards the elevated railway embankment beyond. Each street is comprised of reasonably short terraced blocks on either side of the road. Houses on Mistletoe Street step up the gradually rising slope in pairs or individually. The distinctive projecting ground floor bays with hipped sloping roofs, paired front doors and simple, single upper floor window pattern create a

distinct and pleasing rhythm along the faces of the opposing sides of the terrace.

5. No. 16 presently has timber framed sliding sash windows, set within the ground floor bay window, in a 'two-over-two' pattern on the main glazed face and 'one-over-one' on each of the chamfered returns. Above, at first floor level, the sole window is UPVC framed with 'one-over-one' proportions. The front door is a 5-panel timber door which the appeal proposal seeks permission to replace with a composite door in a 6-panel style.
6. UPVC windows and composite doors are not uncommon features within Mistletoe Street or other nearby streets such as Holly Street, Lawson Terrace and Hawthorn Terrace. Indeed, many properties on Mistletoe Street, including the appeal property, have some (or all) windows with UPVC window frames and the extract of the CA Character Appraisal (CACA) supplied by the appellant recognises as much. That is not to say that there are no timber framed windows within the street, however. There are, but they vary in design from traditional sliding sash windows to top-opening casement replacements.
7. The presence of UPVC windows in Mistletoe Street and neighbouring streets is, in my judgement, already both significant and noticeable. Some may pre-date the Article 4(2) Direction and may not therefore have been subject to planning control whilst the quality and appearance of windows may also vary. They are nevertheless as much a part of the streetscene as remaining timber windows and thus contribute to the overall character and appearance of this street and others.
8. The Council acknowledge that the proposed replacement windows would be of a good quality from the 'higher end' of the market. Both the officer report and the Council's Design and Conservation Advice recognise and identify within the proposed replacements a range of detailed features drawn from traditional timber sliding sash windows, including authentic sliding sash mechanism, slim sightlines, run-through sash horns and external imitation putty lines. I agree.
9. The replacement frame's material would not be traditional. However, the overall proportions of the replacement windows would be sensitive to, and reflective of, the overall character and appearance of the traditional timber sash windows that they would replace. That the replacements would not be of timber construction would, I have no doubt, be evident on closer inspection. However, for the purposes of City of Durham Local Plan (CDLP) policies E6 and E22, the proposed replacements would be sympathetic to, and reflective of, both the traditional detailing and appearance of timber sliding sash windows, and the overall character and appearance of Mistletoe Street and other nearby streets.
10. Whilst the proposal, despite the positive aspects noted above, may not enhance the character or appearance of the CA, I am not persuaded that the replacement windows would cause harm thereto. In all but the closest of inspections, the replacement windows would be largely indistinguishable from traditional timber counterparts and would appear sympathetic to the character and appearance of the Mistletoe Street and of the surrounding streets.
11. As with the variety of window frame materials within the street, so too the design and materials employed in front doors on Mistletoe Street. The existing 5-panel timber door is slightly at odds with the prevailing, although by no

means exclusive, 6-panel doors that I saw whilst visiting the site. Amongst those, there is a mix of timber, UPVC and composite doors.

12. The proposed replacement composite door in this instance would be of a 6-panel design, thereby broadly reflecting the appearance of other 6-panel doors in the street. The appearance, proportions and detailing of the replacement door would not, in my judgement, mark it out as a harmful alteration to the appeal property. Nor would it undermine the pleasing proportions or rhythm that I saw to be present along the street and which is derived, in part at least, from the paired front doors, fanlights and stone lintol above.
13. For the reasons I have set out, I am satisfied that the proposed replacement door and windows would be good quality replacements for the existing timber door and windows at No. 16. They would reflect the positive characteristics of the existing door and windows in terms of their proportions and the detailed design features noted above and, although not of traditional materials or construction, would nevertheless avoid harm to, and thereby preserving, the character or appearance of the CA.
14. The proposal would result in the loss of a timber door and windows and would alter the split between traditional and non-traditional materials in Mistletoe Street towards the non-traditional. The Council are concerned that, should the appeal succeed, it would set an unwelcome precedent. However, there already exists a significant proportion of non-traditional materials on properties in Mistletoe Street and adjacent streets, as noted in the extract of the CACA provided, and which contribute to the overall character and appearance of the CA. I have concluded that the proposal would preserve, thereby avoiding harm to, the character and appearance of the CA and I have in any event determined the appeal on its merits and the evidence before me. For the reasons I have set out, that the proposal would be consistent with the aims and provisions of CDLP policies E6 and E22 and the advice and guidance set out in the Framework.

Conditions

15. I have considered the three conditions suggested by the Council in light of the Framework and guidance set out in the Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable and have imposed them accordingly.
16. The Council also suggest that a materials condition so as that materials to be used in the construction of the external surfaces of the development match those use in the existing building. I have not imposed the suggested condition as the matter of materials goes to the heart of my decision, the issues relating to which I have considered above, and because the plans condition provides sufficient control over the replacement door and windows.

Conclusion

17. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR