



Appeal Decision

Site visit made on 18 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/F9498/W/20/3253010

Saffron Cottage, Lydiat Lane, Lynton, Devon EX35 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr T Badham against the decision of Exmoor National Park Authority.
 - The application Ref: 62/41/19/026, dated 28 May 2019, was approved on 25 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is the erection of extension to dwelling, retrospective.
 - The condition in dispute is No 3 which states that: *"Prior to 31 August 2020, all the windows and door currently in the extension hereby approved shall be replaced with natural timber windows and doors, and shall be retained as such thereafter. Any subsequent replacement windows and doors in the extension shall comply with the requirements of this condition."*
 - The reason given for the condition is: *"To ensure that remedial works are carried out in the interests of conserving the historic significance of the Lynton Conservation Area and to ensure compliance with Policy CE-S6 of the Exmoor National Park Local Plan 2011 - 2031, which requires traditional and natural sustainable construction materials to be used, particularly within conservation areas."*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The planning condition in dispute was attached to the grant of permission 62/41/19/026 to provide control over the materials for the window and door openings to be incorporated in the permitted extension. The Appellant wishes to retain the uPVC windows and door within the permitted extension, rather than the timber windows and door as required by Condition 3.
3. Given the above, the main issue is the effect of uPVC door and window frames on the character and appearance of the Lynton Conservation Area (the Conservation Area).

Reasons

4. The appeal site is located within the Conservation Area. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Conservation Area is characterised by its close knit dwellings and network of interlocking narrow lanes which, in this part of Lynton, are set on steep slopes, with the

significance of the area being defined, in part, by the dense townscape with buildings of architectural merit and historical value.

5. Policy CE-S6 of the Exmoor National Park Local Plan 2011 – 2031 (the Local Plan), amongst other things, seeks to ensure that development is complementary to the local context through the use of traditional and natural sustainable building materials. The supporting text to this policy expands on this, confirming that the use of uPVC for openings are, for the most part, limited in terms of being effective replacements for traditional timber designs and, furthermore, that use of such materials may only be permissible on certain forms of development that are located outside the Conservation Area.
6. The permitted extension was approved in relation to a retrospective application. The extension appeared to have been fully built as at the time of my site visit, with the extension having incorporated uPVC windows and a uPVC door into its design. Despite the heavily contrasting materials used in the construction of the extension, given its scale and position relative to the host dwelling, it somewhat has the appearance of a subservient extension.
7. However, the use of uPVC windows and, in particular, the incorporation of a white uPVC door within the extension, highlights the contrasting appearance of the extension when compared to the host building and surrounding development, and would, in my view, exacerbate the harm that would be caused by the contrasting materials used in this extension to the character and appearance of the Conservation Area.
8. From the evidence before me and from observations made on my site visit, I conclude that the use of timber windows and doors would be necessary to ensure that the extension would remain, in terms of its character and appearance, as a subservient addition to the host dwelling. The use of uPVC in the windows and door would, in my view, further accentuate the contrasting nature of the extension and, by reason of the form and design of the uPVC openings, would result in an extension that would draw the eye and appear incongruous within its surroundings. The use of timber would soften this appearance and would be necessary in order to preserve the character and appearance, and thereby the significance, of the Conservation Area.
9. The Appellant has put it to me that there are numerous examples within the Conservation Area of buildings which have successfully used uPVC for windows and doors, and that the host building itself also exhibits such detailing. Whilst it was noted on my site visit that a relatively significant proportion of dwellings within the surrounding area had uPVC doors and windows, the use of such materials was complementary, in terms of form, design and appearance, to the relevant host buildings and did not significantly contrast with the external materials used in the construction of those buildings.
10. In respect of the permitted extension, the use of uPVC would not be complementary, in terms of form and design, to the appearance of the host building or the surrounding built environment, but rather would further accentuate the contrasting nature of the extension within its surroundings, thereby calling attention to the extension.
11. The use of timber would soften the appearance of the extension and would be required in order that the extension could successfully assimilate into the character of the area. I therefore consider that the retention of the disputed

condition would be both reasonable and necessary in order to preserve the character and appearance of the Conservation Area. Whilst I acknowledge that views of the extension would be very limited from within the wider Conservation Area, it nonetheless would be visible from the nearby buildings and dwellings which are located close to the site on steeply sloping land.

12. By reason of the limited views of the proposed extension within the surrounding area, in terms of the advice in the National Planning Policy Framework (the Framework) the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. As such the Framework sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes. However, no public benefits are put forward by the Appellant which I can consider and weigh against the identified harm to the Conservation Area.
13. For the above reasons, I conclude that the condition is reasonable and necessary in the interests of preserving the character and appearance of the Conservation Area. The removal or variation of the condition to allow the use of uPVC would conflict with Policies GP1, HC-D15, CE-S4 and CE-S6 of the Local Plan and Policies P1 and ENV1 of the Lynton and Lynmouth Neighbourhood Plan 2013-2028 which, together and amongst other matters, requires that development such as extensions integrate within its surroundings and preserves or enhances the character and appearance of heritage assets such as the Conservation Area. Furthermore, the removal of the disputed condition would be contrary to the provisions of Section 16 of the Framework which concerns conserving and enhancing the historic environment.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed, and the condition retained in its present form.

A Spencer-Peet

INSPECTOR