
Appeal Decision

Site visit made on 1 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/X1545/D/20/3249216

7 Victoria Road, Maldon CM9 5HE

- 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 Lonergan against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/01206, dated 18 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is replacement of existing timber windows. Fixed, with opening top lights, with UPVC double glazed sliding each windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Maldon Conservation Area.

Reasons

3. The appeal site is a semi detached property, located within the Maldon Conservation Area and is covered by an Article 4 Direction, which is intended to maintain the original style and materials of front windows and doors. The general character of Victoria Road consists of rows of attractive terraced and semi-detached homes, which are of group value. The rows of similarly designed late Victorian and Edwardian architectural forms, materials and detailing are a dominant feature and their sliding sash windows play a key role in defining the original character of the street. It is recognised that as a shared and unifying feature these make a significant contribution to the group value present in the area.
4. 7 Victoria Road does not retain its original sash windows, and the front elevation has a mix of top hung windows and a bay window. The appeal proposal would result in the replacement of the existing top hung windows with double glazed UPVC units. A building's fenestration is an important component in defining its visual and architectural character. Whilst the existing windows fail to contribute to the significance of the Conservation Area, any replacement should pay special attention to the desirability of preserving or enhancing the character of the Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The proposed replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the stuck-on glazing bars and chunky detailing would not provide an accurate replica and the use of UPVC would be discernibly different in both materials and character to the traditional windows within the Conservation Area.
6. I have had regard to Figure F within the appellants statement and the dimensions provided on this diagram. However, even if I were to accept that the proposed windows have similar dimensions to others within the Conservation Area, the applied nature of the glazing bars and the difference of materials are not features which are characteristic of traditional windows.
7. Therefore, the replacement windows would alter the appearance of the existing dwelling and detract from the quality of detailing which is evident in the neighbouring properties, and which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, would not contribute to the significance of the host building and therefore fail to preserve or enhance the Conservation Area.
8. I have considered the other examples that have been drawn to my attention in Victoria Road. In respect of No 13, planning permission was granted for the replacement of top hung windows with painted timber sash windows which were judged to make a positive contribution to the Conservation Area. 11-13 Victoria Road are a pair of semi-detached rendered properties which have a different character to those of 1 – 7 Victoria Road. As such, the circumstances that lead to those windows being considered acceptable may not be directly comparable to the appeal site. I have not been able to come to the same conclusion with regard to the proposed UPVC windows subject to this appeal.
9. In line with paragraph 193 of the National Planning Policy Framework (the Framework), I afford the harm that would arise to the heritage asset great weight. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
10. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Whilst the appellant has outlined some benefits associated with the scheme, such as the improved thermal efficiency, I do not consider that this would be a public benefit that could only be achieved through the use of double glazed UPVC windows. Therefore, there is no public benefit sufficient to outweigh the harm.
11. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Maldon Conservation Area. This would be contrary to policies D3 and H4 of the Maldon District Approved Local Development Plan 2014 -2029 (2017) which seeks to ensure that development does not harm the character or appearance of the Conservation Area and enhances the character of the original building and the surrounding area.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR