
Appeal Decision

Site visit made on 20 October 2020

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Appeal Ref: APP/X1545/D/20/3253476

13 Battle Rise, Heybridge, MALDON, CM9 4PF

- 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 Gary Kaylor against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/20/00075, dated 22 January 2020, was refused by notice dated 16 April 2020.
 - The development proposed is described as 'To install seven white UPVC windows all to include Trickle Vents, 28mm Double Glazed units with Astragal bar and external cills, and one Front Composite Door: Bedroom 1 - one window with two side hung casements to have a floating mullion with fire escape hinges and clear glass; Bathroom - one window to have a side hung casement next to a fixture, with Cotswold glass; Loft Room - one window with a central mullion with Cotswold glass; Cloak Room - one window with a top hung casement with Cotswold glass; Lounge Bay - one three-sided Bay Window with two side hung casements and a fixture to the centre with clear glass; Rear Bedrooms - two windows with two side hung casements to have a floating mullion with fire escape hinges and clear glass; Front Door - one Composite Front Door to have a White UPVC frame with a Slate Grey on White door slab. Door to be a Victorian style with Cotswold glass with Georgian Bar, to include a Chrome Lever handle, letterbox and a low aluminium threshold. Door to be Secured by Design, viewed externally, door to be hinged on the left-hand side, opening inwards. All seven windows will look exactly the same as the existing windows. UPVC frames are more energy efficient than the existing wooden frames which have started to rot and heat is escaping through them. The front door will be a Composite Door with a high-density foam core which offers excellent strength and is more thermally efficient. It has a five point locking system and an anti-snap, bump, pick and drill cylinder fitted with a guard for ultimate security.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal has proceeded in a different name from that given on the planning application form with the agreement of the original applicant.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building, the streetscene and the surrounding conservation area.

Reasons

4. The appeal property is an end-terrace house located in a prominent position in the Chelmer and Blackwater Navigation Conservation Area, as it faces towards the public footpath that runs alongside the River Blackwater. It forms part of a modern residential development of traditionally designed and detailed dwellings that reflect the local vernacular.
5. In this context, the dwellings in the vicinity have timber doors and windows, although some are in need of maintenance, and vary in their condition. The appellant advises that this is the result of the detrimental effects that salt water has on houses situated in close proximity to the river, and that the exposure to the elements of the wooden frames at the appeal property has led to substantial deterioration.
6. Although the evidence supplied by the appellant is limited, I do not doubt that the location has affected the durability of the timber frames. However, I also note the Council's view that the slightly weathered, more natural and traditional appearance of painted timber positively contributes to this part of the conservation area and its significance as a heritage asset. There is a statutory duty for decision-makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions.
7. The appellant advises that the proposed windows would look identical to the existing windows. However, the details supplied give limited information regarding finish, and I cannot be sure that the replacement windows would not have the flatter, machine-made surface of plastic. As part of a terrace, this change in material would be an obvious contrast to the more natural appearance of painted timber on the other buildings, and this would detract from the character of the group, the streetscene and the conservation area. This would conflict with the aims of Policy D1 of the Maldon Local Plan¹ (LP), which amongst other criteria requires development to respect and enhance the character and local context and to make a positive contribution in terms including use of materials.
8. I agree with the appellant that rotting timber windows could cause harm to the area if they were to remain. In that regard, replacement windows could enhance the appearance of the property and its setting, but to do so they would need to be of appropriate design and materials. Whilst the windows at the property are clearly in need of some repair², no schedule of works has been supplied to suggest that any are beyond restoration. Regular maintenance may be inconvenient, but it is not justification to allow the introduction of a manmade material that would contribute to eroding the more traditional character of the conservation area as whole. A upvc conservatory has been added to the rear of the property, but its siting means that its materials are not perceived from beyond the site. This would not be the case with the proposed alterations, particularly on the front elevation.
9. Although the appellant advises that there have been many houses on the estate that have had their doors replaced without permission, none have been specifically identified. Moreover, whilst some would appear to exist in the

¹ Maldon District Approved Local Development Plan 2014 – 2029 (2017)

² Some more than others

vicinity, they are the exception, and if unauthorised they offer no support to the proposal.

10. LP Policy D3 requires proposals that would affect a heritage asset (in this case, a conservation area) to preserve or enhance its special character, appearance, and setting and any features and fabric of architectural or historic interest. This reflects the requirement in the National Planning Policy Framework (the Framework) for great weight to be given to the asset's conservation when considering the impact of a proposal on the significance of the asset.
11. Having regard to paragraph 196 of the Framework, I consider that the proposal would result in less than substantial harm to the significance of the conservation area, but this harm must be weighed against the public benefits of the proposal. More thermally-efficient windows that would reduce energy loss would contribute to the public benefit of mitigating climate change. However, I am not persuaded that this is only achievable by replacement upvc windows. Whilst the appellant indicates that the cost of new timber windows is prohibitive, no comparative costs have been provided, and in any event, this is not a factor of weight. I am not convinced that maintenance and repair would not secure the same benefits, and this would avoid undermining the character and appearance of the conservation area. Whilst I can understand the appellant's wish for low maintenance windows which will not be affected by salt deposits this would be a private rather than public benefit.
12. I therefore conclude that the proposal would fail to preserve or enhance the character and appearance of the building, the streetscene and the surrounding conservation area, contrary to the Framework and LP Policies D1, D3, and H4, which requires all development to be design-led and for building alterations to be of an appropriate design that makes a positive contribution to the character of the original building and the surrounding area. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR