



Appeal Decision

Site Visit made on 16 November 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/F9498/W/20/3257315

The Culbone, Porlock to Lynton Road, Porlock TA24 8JW

- 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 Rupert Martin against the decision of Exmoor National Park Authority.
 - The application Ref 6/27/20/105, dated 18 November 2019, was refused by notice dated 4 June 2020.
 - The development proposed is described as applying for a retrospective permission for the replacement of 4 windows and 1 external door with new uPVC windows and doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the application and appeal forms refer to the replacement of four windows and one door. However, the Exmoor National Park Authority's decision notice and the appellant's appeal statement refer to the replacement of five windows and one door, and the submitted images show five UPVC windows and one uPVC door. As per the submitted evidence, and as I observed on my site visit, the replacement uPVC windows and door have also already been fitted. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

4. The appeal site contains a detached two-storey building, formerly a public house, which the main parties agree is a traditional building as per the definition in the Exmoor National Park Local Plan 2011-2031 (ENPLP). With a traditional character and appearance, it positively contributes to the character, appearance and – given its age and inclusion on the Authority's Historic Environment Record – cultural heritage of the surrounding area. The building borders the narrow verge of the A39, and the five windows and door the subject of the appeal are close to the carriageway and the junction with the minor road heading east. Those windows and door and the building's other openings containing timber fenestration, including on its north and west elevations, are visible from the public realm. Although woodland surrounds the site on three sides, the setting to the west is more-open and sets the site within its wider moorland landscape setting.

5. Located within the National Park, the appeal proposal has the potential to affect the character and appearance of the designated landscape. The National Planning Policy Framework (Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and identifies cultural heritage as an important consideration to be given great weight. Part III, section 62 of the Environment Act 1995 also requires relevant authorities –in exercising any functions in relation to, or so as to affect, land in a National Park – to have regard to the purposes for which National Parks are designated. Amongst other aspects, this includes conserving and enhancing natural beauty and cultural heritage.
6. ENPLP Policy CE-S6 sets out that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor’s built and historic environment. Amongst other aspects, it seeks materials and design elements which complement the local context through the use of traditional and natural building materials. While the supporting text in the ENPLP provides some flexibility in relation to the use of alternative non-natural materials, such as uPVC rather than timber, it is clear that timber fenestration is preferred and that alternative materials should only be considered in certain circumstances for non-traditional buildings outside of conservation areas. Although the site is not within a conservation area and the building is not listed, the use of uPVC on the traditional building is, as the appellant recognises, not consistent with this.
7. The uPVC windows and door have a similar design and style to the building’s other timber fenestration and the previous timber versions that they replaced. Painted green, they also respect the colour of the building’s timber fenestration. However, the replacements do not reflect the form and finish of the previous fenestration nor the building’s other timber fenestration. Their wider frames, glazing bars and larger non-flush casements are conspicuously chunkier and lack the detailing and slim form of the timber fenestration.
8. As shown in the submitted images, the uPVC windows and door therefore read as poorer quality. While painting may have made their profiles appear slimmer than when they were unpainted, their painted state does not prevent them from being of noticeably lesser quality and of a non-natural form. Accordingly, the uPVC replacements, although only replacing some of the building’s many windows, detract from the character and appearance of the traditional building and the surrounding area, and harm the site’s setting within the wider Exmoor landscape and the cultural heritage of the National Park. In coming to this view, I have taken account of the condition of the previous timber windows that have been replaced.
9. I recognise the surrounding woodlands and other soft landscaping screen the site to some extent. Many of the views of the replacement windows and door would also likely be fleeting as vehicles pass the site on the unrestricted highway which contains no footways or streetlights, and the replacement uPVC door does not serve the building’s main entrance. However, positioned on a bend on the A39, the building is situated in a prominent position and is visible for some distance on the busy main road in both directions. I observed on my site visit that the uPVC replacements can also be seen from the junction and the lower section of the minor road which includes a national cycle route, while the uPVC window in the southern gable end of the building is visible from the adjoining bridleway. Furthermore, some of the replacements can be seen in the

same view as the building's other timber fenestration when approaching the site on the A39 from the north-west. This allows the differences between the uPVC replacements and the remaining higher-quality timber fenestration to be compared in the same view.

10. Although the main parties agree that the building is a traditional building as per the ENPLP definition, I note that there is a dispute about its status as a locally listed, non-designated heritage asset. However, whether it is or is not a non-designated heritage asset does not affect my conclusion above, and it is clear to me that the replacement fenestration, made of non-natural materials, harms the character and appearance of the traditional building and the locality. Similarly, whether uPVC or timber can be considered more sustainable, including in relation to the type of material and its effect from a climate change and low carbon perspective, does not lead me to a different conclusion.
11. For the above reasons, I conclude that the proposed development harms the character and appearance of the host building and the surrounding area. I therefore find that it conflicts with ENPLP Policies GP1, CE-D1, CE-S1, CE-S4 and CE-S6. Amongst other aspects, these seek to protect Exmoor National Park's local distinctiveness, landscapes, cultural heritage and historic environment and require development to be a high quality design that conserves and enhances Exmoor's special qualities, built and historic environment and natural beauty. The proposal would also be inconsistent with the provisions in the Framework including in relation to conserving and enhancing the natural environment.

Other matters

12. My attention has been drawn to the lack of objection from Natural England and the Authority's Rights of Way Officer and that a number of committee members were excluded from voting on the decision of the planning application due to loss of internet connection. I acknowledge that Porlock Parish Council made no comment while the Culbone and Oare Parish meeting support the proposal. I note that the appellant is also keen to invest in the host building and other properties in the area. However, these matters are not determinative as to the acceptability of the appeal proposal, which I have considered on its merits, based on the evidence before me.

Planning Balance

13. It has been put to me that the site's proximity to the A39 creates an unusual and problematic set of circumstances, with timber windows degrading quickly due to vehicles splashing water, salt, grit and pollutants. The appellant's appeal statement sets out that the previous timber windows were in a poor state of repair and that efforts have been made to ensure that the more hard-wearing uPVC windows – produced in the local area and fitted by a local company – are waterproof and are able to resist the constant damage caused by the proximity of the A39. Given the road camber and the lack of highway drainage, it is said that water pools at the side of the highway, next to the building, and that this results in regular inundation. As a result, the timber windows in this wet and polluted situation need regular repainting and protection works – which requires the closure of one lane of the A39 – to ensure their longevity and prevent them from rotting. It is asserted that the use of timber is therefore neither sustainable nor viable.

14. I accept that timber is likely to be less hard wearing than a material such as uPVC. However, I have little substantive evidence which indicates that the paintwork on the uPVC windows would require any less maintenance than painted timber. It seems to me that well-maintained paintwork would also help to ensure the longevity of timber fenestration. Accordingly, and given that the building is, in any event, also said to require regular works to protect its fabric due to its proximity to the A39, I place limited weight on the purported benefits relating to the maintenance and upkeep of the uPVC windows and doors compared to timber fenestration.
15. Water and pollutants are no doubt splashed on the building given its proximity to the A39, water may pool beside the building at times, and I observed on my site visit that the camber of the A39 means that it slopes towards the uPVC fenestration on the building's north-eastern elevation. However, I also noted that the site is situated on a slight rise where the highway bends. Due to the prevailing topography, and despite the lack of highway drainage, surface water is therefore likely to generally flow down and away from the building. It seems to me that the site's circumstances are therefore not necessarily so markedly different to other buildings located in close proximity to roads to justify a departure from the development plan in this case. Given the nature and scale of the development, I am satisfied that the benefits would also be limited and would not outweigh the harm I have identified.

Conclusion

16. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR