



Appeal Decision

Site visit made on 10 August 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/X2220/W/20/3262372

Flats 1-5, 38 Victoria Road, Deal, CT14 7BH

- 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 Mick Paul against the decision of Dover District Council.
 - The application Ref 20/00181, dated 16 March 2020, was refused by notice dated 3 September 2020.
 - The development proposed is to replace existing wood vertical sliding windows like for like in design and colour with uPVC vertical sliding windows and to replace existing front wood door, similar in design in white uPVC retaining the coloured lead glazed window above the door.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework was revised in July 2021. In so far as it is relevant to this appeal, the section on conserving and enhancing the historic environment is unchanged from the previous version, other than the re-numbering of paragraphs.

Main Issue

3. Whether the proposed windows would preserve or enhance the character or appearance of the Deal Middle Street Conservation Area.

Reasons

4. Deal Middle Street Conservation Area is extensive and stretches northwards from Deal Castle encompassing historical development in both the town centre and along the seafront. The appeal property (Goodwin House) is situated on the corner of Victoria Road and Ranelagh Road and is therefore in a highly prominent position. Moreover, it is a substantial Victorian brick building with elaborate detailing and a variety of forms including a front bay and gables.
5. Although not listed the Council refers to the property as a non-designated heritage asset. In any event, the appeal site is within the conservation area which is a designated heritage asset. Goodwin House makes a positive contribution because it is consistent with, and reinforces, the architectural and historic interest of the conservation area as a whole. It has a particular value because it forms an 'end stop' to a short terrace along Victoria Road. This row has a pleasing uniformity that has not been diluted by modern alterations. The existing timber sash windows at No 38 – some with distinctive curved heads –

are a deliberate and complementary element of the overall composition of Goodwin House and so are part of the qualities of the conservation area.

6. As remarked upon by the previous Inspector and highlighted by the appellant, there are several replacement uPVC windows in surrounding buildings of varying styles and designs. A previous proposal to install replacement uPVC vertical sliding sash windows at Goodwin House was dismissed at appeal in 2017 (Ref: APP/X2220/W/17/3168640). Since then, the Council has permitted replacement uPVC windows at 2 Ranelagh Road and 15 Prince of Wales Terrace. However, these cases can be differentiated from the appeal property in that 2 Ranelagh Road is a stand-alone building whilst Prince of Wales Terrace is not coherent visually.
7. In general terms uPVC windows cannot fully replicate timber ones. However, things have moved on since 2005 when an appeal was dismissed at 11 Prince of Wales Terrace. In my experience fenestration in this material can resemble timber windows in an authentic way. Indeed, there is nothing in either national or local policy or in the National Design Guide which precludes the replacement of timber windows with uPVC in Deal Middle Street Conservation Area. Rather it is the specific circumstances of the proposal that need to be assessed.
8. One typical criticism is that uPVC windows are glossy and bland and that their 'shiny' appearance therefore stands out compared to timber. However, it is difficult to distinguish the finish of the windows installed at 2 Ranelagh Road from painted timber.
9. The appellant maintains that the proposed installation would be the same design, size and colour as the original windows. The Council acknowledges that it would be similar but asserts that the windows would be bulkier with other detailed design differences although these are not specified. Whilst sections of the new windows have been provided neither party has undertaken any kind of comparison between the exact dimensions of the existing and proposed windows. Judging by those at 2 Ranelagh Road it is likely that the sections would be slightly chunkier and that this would be especially apparent from the central meeting rail.
10. The implications of any differences between the proposed and existing windows would be magnified because Goodwin House is so visible and the new windows so numerous. Furthermore, maintaining a unified appearance along the Victoria Road terrace is important. It would not be appropriate to impose a condition requiring full details of external joinery when there is uncertainty as to whether the existing detailed design can be sufficiently respected. Therefore, on the basis of the evidence provided, the proposal would detract from the significance of the conservation area.
11. The Framework requires the less than substantial harm that would arise to be weighed against the public benefits. Many of the existing windows are in a poor state of repair and are said to be draughty and to offer no protection from noise and fumes from passing traffic on this busy corner. The environmental credentials of the proposed windows are not disputed but they do not outweigh the considerable importance and weight that must be given to conservation objectives. Whilst landlords may be subject to requirements in relation to minimum energy efficiency standards the primary consideration in this decision is the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. There is no empirical evidence provided to enable a judgement to be made as to whether uPVC or timber windows are more sustainable. The Government supports the transition to a low carbon future but there is nothing to indicate whether the total greenhouse gas emissions associated with the production, on-going use and maintenance of either type of window are superior in a coastal location.
13. According to the Framework, great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. In this case none of the public benefits are sufficient to override the harm identified to the conservation area.

Other Matters

14. The appellant is critical of the handling of the application, the inconsistent advice received from officers and the conduct of planning committee meeting. However, this appeal is not an opportunity to review these matters but rather is to consider the effect of the proposal.

Conclusion

15. The character and appearance of the Deal Middle Street Conservation Area would not be preserved or enhanced. The proposal would therefore be contrary to the objective of conserving the historic environment set out in national policy. So, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR