



---

# Appeal Decision

Site visit made on 27 July 2021

**By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 September 2021**

---

**Appeal Ref: APP/J2210/W/20/3264830**  
**134A High Steet, Herne Bay CT6 5JY**

- 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 Mrs Wendy Dash against the decision of Canterbury City Council.
  - The application Ref CA/20/01606, dated 27 July 2020, was refused by notice dated 9 October 2020.
  - The development proposed is for replacement windows.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property, and whether it would preserve or enhance those of the Herne Bay Conservation Area (the CA)

## Procedural Matter

3. Since Canterbury City Council's (the Council) refusal of the application Ref CA/20/01606 the Government published a revised National Planning Policy Framework. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (2021) (the Framework) and the Canterbury District Local Plan (2017) (the Local Plan). Neither the appellant nor the Council have indicated that this is prejudicial to their cases.

## Reasons

4. The appeal property is a three-storey building with a shop unit at ground level, which forms part of a distinctive terrace of similar largely unaltered 19<sup>th</sup> century buildings. The Council has recognised the importance of this part of Herne Bay through the Conservation Area designated in 1991.
5. The National Planning Policy Framework (the Framework) sets out how planning authorities should seek the conservation and enhancement of the historic environment and establishes that good design is a key aspect of sustainable development, indivisible from good planning.
6. I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. The proposal is for the installation of UPVC windows of a simplified design, to replace traditionally detailed horned sash windows, on the first and second floor of the appeal property. This sits in a terrace of buildings which retain their original windows. This is a feature of the terrace that is readily apparent from street level, on both sides of the street and which makes a noticeable contribution to the character and appearance of the CA.
8. I note that there are examples of UPVC windows in buildings fronting on to the High Street, however, these are either in more contemporary 20th century buildings, or may possibly pre-date the designation of the CA and do not reflect its significance.
9. Although the proposed replacement windows would appear to be in a sash window format, they would not reflect the materials, features and detailing of the existing timber sash windows. This would be apparent in street views of the appeal property and the terrace of which it forms part and would result in a clear contrast between the character and appearance of the existing traditional and substantially unaltered building and the proposed windows. This proposed change would, thereby, result in a visually incongruous alteration, which would cause moderate harm to the character and appearance of the appeal property.
10. This would diminish the contribution that the traditional character, appearance and substantially unaltered nature of the appeal property and terrace, of which it forms part, makes to the street scene of the area. The proposal would, thereby, fail to preserve or enhance the character or appearance of the CA, the harm to the significance of which would be less than substantial.
11. I therefore conclude that the proposed replacement of the existing timber sash windows with UPVC units would conflict with Policies DBE3, DBE5, HE1 and HE6 of the Local Plan and sections 12 and 16 of the Framework.

### **Other Matters**

12. Whilst I fully accept the appellants argument that the proposal would result in thermally efficient windows, without the potential cost and disruption of installing scaffolding required for installation or maintenance. However, the proposal is not the only method by which such results could be achieved and without impact on the significance of the CA. I have, therefore, afforded this little weight in my considerations.

### **Conclusion**

13. In the context of Paragraph 202 of the Framework, the development results in less than substantial harm to the significance of the Conservation Area. However, there are no significant public benefits that would outweigh this identified harm. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Victor Callister*

INSPECTOR