



Appeal Decision

Site visit made on 3 September 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/P1133/W/21/3274724

Glenkealey, Upper Hermosa Road, Teignmouth TQ14 9JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Simon Spurle against the decision of Teignbridge District Council.
 - The application, Ref 19/02566/COND1, dated 15 July 2020 sought approval of details pursuant to conditions No 6 of a planning permission, Ref 19/02566/FUL, granted on 30 March 2020.
 - The application was refused by notice dated 4 December 2020.
 - The development proposed is change of use and alterations to existing care home to create 7 residential units.
 - The details for which approval is sought are: window details (Condition 6).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council approved the construction management plan pursuant to condition 5 in its decision of 4 December 2020. As such, I have focused my consideration on the window details submitted pursuant to condition 6. In the same decision, the Council drew attention to the need to submit details pursuant to Condition 3, although no such details are before me for consideration.
3. Separately, I noted during my site visit that the development had commenced.

Main Issues

4. The main issue in relation to condition 6 is whether the submitted details would preserve the character and appearance of the building and surrounding area, which is within the Teignmouth St James Conservation Area (CA).

Reasons

5. The part of the CA in which the appeal site lies has special qualities that derive from its evolution as a later part of the settlement characterised by 'high-class' villas built onto the original 'West Teignmouth' settlement. The detached and grand villas share many similarities in terms of scale, size of enclosure, relationship to streets, art deco influences and decorative detailing. Though they form part of the same CA, the original settlement of West Teignmouth is very different in form and character to the later villa-dominated expansion.
6. The appeal building is characteristic of the large art deco-inspired villa buildings that predominate the later part of the CA. It stands in a prominent corner position fronting Landscore, Hermosa and Upper Hermosa Roads and its principal elevation is well exposed above its boundary walls from an elevated

position. The building has extensions that, from the evidence, date back to around c. 1970s and which are unsympathetic to its original form and design, protruding above the original roof ridge, and which appear incongruous in scale, form and massing.

7. These unsympathetic extensions were to be removed as part of the approved scheme for the change of use with alterations to create 7 residential units. The replacement extensions to the building forming part of the scheme could therefore reverse the harmful impact of those changes already made and enhance the character and appearance of the building, for the benefit of the designated heritage asset, the CA, in a manner suggested by the CA Management Plan¹.
8. In terms of external construction materials, there is a predominance of rendered blockwork walls and detailing and slate-covered pitched roofs within the CA. The appeal building is no different in that it is a rendered blockwork building with an aged slate roof. Perhaps regrettably, the most common material for windows is UPVC, with some acceptable examples and others of a poor quality with chunky frames, incorrect opening styles and absent detailing, such as mullions, transoms, horns etc.
9. I note from the evidence that there was negotiation on aspects of the original proposal during the application process, including revisions and agreement to the roof material. These negotiations do not appear to detail any absolute requirements for the window material in the same way as for the roof slate.
10. The revised plans which were subsequently approved detailed a slightly contradictory mix of annotations, including: '*Existing window frames colour dark grey*', '*New window frames colour dark grey to match existing*' and '*Existing uPVC window colour white*'. The application form detailed '*Existing maintained when possible. New timber joinery*'.
11. Similarly confusingly is that whilst there are a number of existing white uPVC window units, there are also a number of timber windows still in place, which appear to have a black colour (albeit mostly faded and chipped). I have very limited evidence from which to ascertain the date of installation of the uPVC windows or to determine whether permission was required for such. However, it is difficult to be certain from the plans on which material or colour was intended for the new units, as there are windows made from both materials, albeit neither strictly dark grey.
12. In any event, a condition was imposed seeking the details of the windows, including materials, to a large scale. Given the lack of clarity on the plans on the intentions for the new windows in the context of those in the existing building, I consider that there was a necessity for the condition and that it was reasonable. The wording of the condition suggests that the Council were concerned about this aspect in the interests of undertaking its duty under S72 of the Listed Building and Conservation Areas Act 1990 (LBCA Act), to ensure that the overall enhancement scheme would not be undermined by the poor detailing of such.
13. Whilst much has been made about the condition only applying to the new extensions, as noted from the wording of the condition itself, it is plainly clear

¹ Teignmouth St James Conservation Area Appraisal and Management Plan (2008)

that many of the windows in the original building fabric are in need of replacement, far beyond being '*maintained when possible*'. All of the remaining timber units are in very poor condition and some window openings are simply boarded up. The ratio of timber windows and void openings to uPVC units is slightly slanted towards uPVC being the predominant type, but it cannot be assumed that 'to match the existing' would be simply to install uPVC window types in the new extensions. Whilst it is suggested that the installation of timber windows in the new extensions would result in a mismatched appearance, there is already a mismatch in those existing parts of the building which are not subject of the condition. No details are provided about how this situation will be remedied.

14. Many of the uPVC windows that have been installed are conservation style, sash uPVC windows. Both the upper and lower lights are divided vertically into two with a glazing bar division which carries over the style of the previous timber windows, albeit with horns where none appear on the existing timber units. The uPVC frames have a more tasteful slim profile than some other uPVC units in the surrounding area and appear almost identical to those installed on a nearby construction project also within the CA. In fact, there were very few properties within the CA that retained their original timber windows, and only a small proportion of those that did exist were in good condition; suggestive of a general trend towards under-investment in maintenance of these more delicate unit types.
15. Whilst I may have been minded to consider the use of tasteful uPVC units as acceptable, what is not clear from the submitted details is what window types would be used and where. The submitted brochure-style information covers a wide variety of windows and components thereof, and some elements contradict with others, such as in terms of style of opening, arch head and division types. Though it is clear from the exchange of emails that the material type would be uPVC, the actual plans and documentation put forward for approval is lacking in clarity in this regard. As the disagreement between the parties and need for the condition has partly arisen through a lack in clarity on the original plans, it is imperative that the opportunity to seek clarity is not missed again.
16. Consequently, in the absence of sufficiently robust and consistent information about the window types, their measurements, and how their details relate to other windows in the building that would be either retained or replaced, I cannot be certain that the scheme could maintain the desired outcome to improve the character and appearance of the building overall.

Conclusion

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

Hollie Nicholls
INSPECTOR