



Appeal Decision

Site Visit made on 8 December 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/C3620/D/21/3279023

33 Dene Street Gardens, Dorking RH4 2DN

- 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 Karen Croft against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0685/PLAH, dated 11 April 2021, was refused by notice dated 15 June 2021.
 - The development proposed is replacement of 8 No. windows with white UPVC sliding sash windows.
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Decision

1. The appeal is dismissed insofar as it relates to replacement windows in the front elevation.
2. The appeal is allowed insofar as it relates to the replacement of windows at the rear of the property and planning permission is granted for 6 No. windows with white uPVC sliding sash windows at 33 Dene Street Gardens, Dorking RH4 2DN in accordance with the terms of the application, Ref MO/2021/0685/PLAH, dated 11 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) Prior to their installation, details of new window joinery shall be submitted to and approved in writing by the Local Planning Authority including materials, method of opening and large scale drawings showing sections through mullions, transoms and glazing bars. Window openings should have a reveal to be agreed. The development shall thereafter be implemented in accordance with the approved details.

Procedural Matter

3. The description of development in the banner heading and formal decision above is taken from the Council's decision notice and appeal form as this more succinctly and accurately describes the proposal than the longer description which was entered on the application form.

Main Issue

4. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Dorking Conservation Area (DCA).

Reasons

5. Dene Street Gardens lies within the DCA. Development along this road is characterised by short terraces of Victorian red brick two-storey cottages. Properties are of a simple and uniform design, featuring a single window at ground and first floor level. Several of these properties have retained their traditional timber framed sash windows on the front elevations. The retention of traditional vertical sliding sashes are noted within the Dorking Conservation Area Appraisal and Management Plan 2010. These contribute to the significance of the conservation area.
6. Number 33 retains its traditional appearance due to its timber framed sliding sash windows and makes a positive contribution to the DCA. The appellant has stated that the existing windows are not original being double glazed with glazing bars stuck over the window panes to mimic the impression of margin panes. Nevertheless, the windows appear as traditional timber sash windows and for this reason contribute to the significance of the DCA.
7. The proposal would replace the timber framed windows with uPVC ones described as being in the style of the original windows. The proposed replacement windows would diminish the traditional appearance of the host property. In terms of the front elevation, this would significantly reduce its contribution to the character and appearance of the conservation area.
8. It is noted that several properties along the street have replacement uPVC windows such as proposed here. I observed that the detailing on the uPVC windows is not so fine as on the timber equivalents and the frame and the glazing bars of the uPVC windows appear thicker and starker when viewed from the street. Some of these also have a more shiny appearance which is uncharacteristic of the original timber windows.
9. To my mind, these alterations to other properties highlight the harm to the character and appearance of the DCA, and thereby its significance, through the loss of traditional features and do not justify the installation of the windows as sought here.
10. I appreciate that there are different styles of uPVC windows, some which more closely resemble the traditional timber design with the inclusion of vertical glazing bars. However, these cannot fully replicate the character or appearance of authentic timber framed windows which connect the architectural detail of the building to its historic context.
11. As such, the proposal would fail to preserve or enhance the character or appearance of the CCA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The appeal proposal would result in harm to the significance of the DCA through the loss of traditional features. The harm is less than substantial in terms of the National Planning Policy Framework (the Framework), which advises that, in such circumstances, there is a need for the public benefits of the proposal to be weighed against that harm.

13. The appellant has pointed to the poor condition of the existing timber windows and her desire to improve the environmental performance and energy efficiency of her windows. I have also had regard to the appellant's evidence about the health benefits the scheme would provide in improving warmth in her home. However, there are other means available to achieve these outcomes without the loss of the timber windows. These points do not represent sufficient public benefits to outweigh the harm I have identified.
14. Planning permission¹ was granted for a replacement front door in 2020. I have not been provided with the full circumstances of that case. I acknowledge that front doors are also important features within the context of the DCA. I observed considerable variation in doors along the street, in terms of colour, design and materials. However, the changes to the doors are visually less prominent due to their ground floor position and generally darker appearance. The white frames of the windows, by contrast, are visually more prominent within the streetscene and changes to these more apparent. The replacement door does not therefore justify the scheme before me.
15. No 33 forms the end of a short terrace of four properties, the rest of which Numbers 34 to 36 have all had replacement uPVC windows. The appellant asserts that these could be considered as one building and in accordance with the *Burroughs Day v Bristol City Council*² judgment, the consideration of the change to the external appearance should be made on the basis of the building as a whole. However, the appeal property is served by its own front door and internally not connected to the adjacent property. For this reason, I consider each of the individual properties are separate buildings.
16. As the appeal property belongs to a short terrace, an assessment of the scheme in the context of that terrace is nevertheless relevant. The appellant has argued that in the interests of consistency of building materials and the appearance of this terrace, changes to the windows are justified. The windows to other properties in the terrace have been replaced by uPVC ones, however they are not of a uniform design or consistent in appearance. They do not therefore justify the scheme before me.
17. I conclude that the proposed development insofar as it relates to the front elevation would fail to preserve or enhance the character or appearance of the DCA. It would therefore conflict with Policy CS14 of the Mole Valley Core Strategy 2009 and Policies ENV122, EVN23 and ENV39 of the Mole Valley Local Plan 2000. These policies together seek to retain features which contribute to the local character of conservation areas, protect areas of historic importance, require new development to respect and enhance the character of the area and respect their setting. It would also not accord with the Framework which requires development to add to the overall quality of the area, to be sympathetic to local character and history.

Split Decision

18. The Council does not appear to object to the replacement of windows with uPVC ones at the rear of the property. I also consider that replacement windows in this location would be less visually prominent within the DCA, set

¹ Council Ref: MO/2020/1146

² *Burroughs Day v Bristol City Council* [1996] 1 PLR 78

behind an area of car parking and partially screened by vegetation. They would therefore not adversely affect the DCA. This part of the proposal is clearly severable from the remainder, and consequently I am going to issue a 'split' decision allowing the appeal in this respect.

Conditions

19. The Council has suggested a number of conditions should the appeal be allowed, I have considered these and imposed them where they meet the tests set out in Paragraph 56 of the Framework.
20. A condition requiring details of the proposed windows is necessary and reasonable in the interests of the character and appearance of the area.
21. I have not imposed a condition requiring the development to be carried out in accordance with drawings as the submitted drawings do not provide sufficient clarity or certainty about what is proposed. This matter would be covered by Condition 2 which I have imposed.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed insofar as it relates to the replacement of windows in the front elevation and allowed insofar as it relates to the replacement of windows at the rear.

Rachael Pipkin

INSPECTOR