The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date:18TH January 2022

Appeal Ref: APP/X3540/D/21/3280180

329 London Road South, Lowestoft NR33 0DY

- 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 Mayes-Smith against the decision of the East Suffolk Council.
- The application Ref DC/21/2191/FUL dated 25/04/2021, was refused by notice dated 20/07/2021.
- The development proposed is described as change front windows.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the South Lowestoft Conservation Area.

Reasons

3. The site is within a predominantly residential area within the South Lowestoft Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.

4. Policy WLP8.39 of the East Suffolk Council, Waveney Local Plan (2019) (the Local Plan) amongst other things requires the preservation or enhancement of designated heritage assets, considering location, historical and architectural value.

5. The Conservation Area in this location is characterised by residential properties, whilst some timber sash windows have been replaced with non-timber products for instance aluminium and UPVC, timber windows of a sliding sash design are a predominant feature in the area. Timber sash windows play a role in defining the historic character of the area which is part of the Conservation Area's significance as a heritage asset.

6. From my observations the existing timber sash windows have similar proportions to other windows in the street however it is noted that these may not be the original windows for the property. Nonetheless they are similar in design and material to the majority of windows within the area leading to an architectural rhythm within the streetscene.

7. It appears from the plans before me that the replacement windows are of a design with a vertical glazing bar in the centre of the ground and first floor windows matching the 2nd floor window design. From my observations during my site visit, glazing bars in the centre of these windows do not appear to be a common feature in the area.

8. I find that the design combined with the use of UPVC material would compromise the architectural rhythm and historic value thereby failing to preserve or enhance the South Lowestoft Conservation Area.

9. The appellant has drawn my attention to developments approved in the vicinity of the appeal site, however limited details have been provided to compare these developments. Notwithstanding this I have not been provided with substantive evidence which persuades me that they are comparable to the proposal before me, some appear to relate to the replacement of non-timber or casement windows rather than timber sliding sash as in the appeal before me. I have been provided with an excerpt from a Delegated Report relating to replacement windows at No. 335 London South Road however no plans or details have been provided to compare the application to the appeal proposal. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

10. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.

11. I find that the proposed development would lead to less than substantial harm of the significance of the Conservation Area. Paragraph 202 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asst this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. The appellant has indicated that replacement and maintenance costs associated with timber windows are prohibitive, however I have not been presented with demonstrable evidence to support this. The appellant considers that the replacement of windows with UPVC will have carbon reduction benefits, whilst this maybe the case I have not been provided with demonstrable evidence which would pursued me that the replacement with UPVC is the only solution for improvements to thermal performance.

13. I find that there are no public benefits which would outweigh the harm caused by the proposed development.

14. I conclude that the proposed development would not preserve or enhance the character or appearance of the South Lowestoft Conservation Area. There is conflict with Policy WLP8.39 of the Local Plan and the Framework which seek to ensure developments preserve and enhance the character and appearance of the conservation area.

Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR