



Appeal Decision

Site visit made on 30 December 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2022

Appeal Ref: APP/Z1510/D/21/3283667

20 Chantry Close, Braintree CM7 5FQ

- 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 Ian Fairbrass against the decision of Braintree District Council.
 - The application Ref 21/02265/HH, dated 18 July 2021, was refused by notice dated 16 September 2021.
 - The development proposed is described on the application form as: 'Replacement of faulty timber windows with conservation PVC (appearance identical to timber) by FENSA installer Bluemanor Windows. In addition we wish to replace the soffit and fascia boards at the same time by the removal of rotten original timber and replace in the same PVC to ensure the drip details are maintained'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of determination, I have used the description of development¹ given on the Decision Notice and the appeal form as opposed to that stated on the application form. This is because it is concise and neutrally written.
3. It is apparent from the evidence before me that a Section 2 Local Plan (the S2LP) is emerging and has reached examination stage. However, on the basis that it has yet to be found sound, the S2LP is currently at a stage that attracts limited weight. I have seen nothing to clearly indicate otherwise and shall determine the appeal on this basis.

Main Issue

4. Whether or not the character or appearance of the Bocking Church Street Conservation Area (the CA) would be preserved or enhanced.

Reasons

5. The significance of the CA as a designated heritage asset is drawn, in part, from its compact layout and its range of historic buildings that often exhibit traditional materials and intricate architectural detailing. These features are relevant to the historic evolution of the settlement. The CA's significance continues to be readily identifiable despite modern and unsympathetic influences contained within it.

¹ 'Replacement of timber windows with conservation PVC. Replace the soffit and fascia boards'

6. The appeal property (No 20) is located within the CA and makes up part of a modern 20-unit residential estate (the estate) that straddles the CA's boundary. When planning permission² for the estate was granted in 2013, various conditions³ were attached that respectively withdrew permitted development rights, secured the submission/approval of external material samples and required detailed specifications of windows, doors, eaves, verges and cills to be submitted for written approval and thereafter permanently retained. These conditions were imposed for reasons related to (at least in part) the Conservation Area and visual amenity.
7. Reflective of the restrictions put in place, a high degree of uniformity as regards the external finishes and treatments of properties continues to avail across the estate. For example, white-painted timber window openings of consistent designs and profiles were observable upon inspection, as were routinely formed timber soffits and fascia boards at eaves/roof level. In this context, the intended introduction of plastic replacements at the expense of original timber installations would dilute the estate's regularity and reduce the presence of traditional construction materials which contribute to the CA's heritage significance.
8. I have noted the proposed specification of the replacement windows, which would be grained, coloured white, of flush profile and constructed in sections to resemble mortice and tenon joints. Nevertheless, in the context of the estate's orderly and consistent composition, the proposed plastic replacement features would appear as non-traditional and discordant additions. Indeed, the submitted evidence that is before me, which includes photographs of the intended installations, does not clearly demonstrate otherwise.
9. My attention has been drawn to various properties situated nearby and within the CA where plastic features, such as windows, doors, soffits and fascia boards, are in place (or have been permitted). Indeed, upon inspection of the site's surroundings, a range of differently styled and often unsympathetic installations were observable. Nevertheless, especially across the estate itself, timber joinery remains prevalent. Moreover, specific constraints/restrictions have been put in place at the estate to control the precise specification of various external features and these circumstances are of importance to my considerations.
10. For the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CA and would lead to less than substantial harm being caused to its heritage significance. As set out in the National Planning Policy Framework (July 2021) (the Framework), any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.
11. Reference has been made to the existing windows being poorly manufactured, stained, warped and containing of unequal transit gaps that, where of excessive width, promote the breeding/presence of spiders. It has also been stated that one of the existing bedroom windows does not conform to relevant fire regulations, and that existing fascia boards and soffits have been poorly installed.

² 13/00749/FUL

³ Conditions 4, 5 and 6

12. However, owing to the nature and extent of the proposed works, any public benefits of the proposal that would be brought about by improvements made to the local housing stock (including in fire safety terms) would be limited. This is even when acknowledging that the replacement windows would be sourced from a supplier that recycles materials. I note here that, whilst the costs associated with maintaining timber installations would reasonably be anticipated to exceed those associated with plastic replacements, the potential endures to replace existing features using timber. The scheme's benefits attract limited weight and would be insufficient to outweigh the harm that would be caused to the CA.
13. The scheme conflicts with saved Policies RLP17, RLP90 and RLP95 of the Braintree District Local Plan Review (July 2005), Policy SP7 of the Braintree District Local Plan 2012-2033 Section 1 (February 2021), emerging Policies LPP38, LPP50 and LPP55 of the S2LP and the Framework in so far as these policies require that proposals do not detract from the character, appearance and essential features of a Conservation Area.
14. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR