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## Appeal Decision

Site visit made on 1 February 2022

**by D M Young JP BSc (Hons) MPlan MRTPI MIHE**

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

**Decision date: 1<sup>st</sup> March 2022**

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**Appeal Ref: APP/J2210/D/21/3287909**

**60 Island Wall, Whitstable CT5 1EL**

- 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 & Mrs Kipenakis against the decision of Canterbury City Council.
  - The application Ref CA/21/01460, dated 4 June 2021, was refused by notice dated 1 October 2021.
  - The development proposed is replacement windows to front and rear elevation.
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### Decision

1. The appeal is allowed and planning permission is granted for replacement windows to front and rear elevation at 60 Island Wall, Whitstable CT5 1EL in accordance with the terms of the application, Ref CA/21/01460, dated 4 June 2021, and the plans submitted with it, subject to the following conditions:
  - 1) the development hereby permitted shall begin not later than three years from the date of this decision.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Whitstable Conservation Area (WCA).

### Reasons

3. The appeal property is a simple but attractive traditional mid-terrace property located on the seaward side of Island Wall. The Council do not dispute that the existing windows are beyond repair and need replacing. Although the building is not locally or statutorily listed, it is within the WCA and as such, benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The character of the WCA derives primarily from the relationship of the settlement to the coastline and the history of local salt production, fishing and boat building all of which have influenced the built form and character of the architecture. The WCA Appraisal notes that many buildings have retained their original features and are built close together in a series of enclosed streets and alleyways.
5. The Council argue that the proposed uPVC windows are of a simplified design and would fail to replicate the existing 'horned' sash windows. They further

contend that the appeal property sits in a terrace where the original windows have been largely retained.

6. The adopted SPD<sup>1</sup> states that replacement windows in a conservation area should be "*traditionally proportioned. With a vernacular emphasis*" with timber being the preferred material. The Appellant points out that there is no policy which prohibits replacement uPVC windows. Indeed, the Council has recently permitted similar 'conservation style' uPVC windows at 105 and 114 Island Wall<sup>2</sup>. In addition, as I saw on my site visit, uPVC replacement windows have been installed at No 56. Irrespective of their planning status, there is no suggestion from the Council that any of the above examples have resulted in harm to the WCA.
7. The windows proposed in this case have been carefully selected by the Appellant mindful of the other similar proposals consented nearby. From the manufacturers information it is apparent that the proposed sliding sash windows would be of a high quality with decorative sash horns, mechanical joints, authentic putty lines, an external single (astragal) bar, a slim mid-rail and white coloured smooth uPVC.
8. To my mind, the proposed windows would respect the appearance and detailing of the existing windows whilst delivering significant benefits to the Appellant (and the environment) in terms of energy efficiency. I do not recognise the description 'bulky' and, in my view, the proposed windows would be virtually indistinguishable from other approved uPVC windows in the locality.
9. Based on the foregoing and in light of any cogent explanation from the Council as to why its stance in relation to this application is so contrasted to the aforementioned cases, I conclude that the proposal would preserve the character and appearance of the WCA. Accordingly, there would be no conflict with Policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan or the National Planning Policy Framework insofar as they seek the protection of heritage assets.

## Conclusion

10. To provide certainty I have imposed a standard time limit condition. The other conditions suggested by the Council are unnecessary in light of the nature of the development.
11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

*D. M. Young*

Inspector

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<sup>1</sup> Full Title: Heritage Archaeology and Conservation Supplementary Planning Document 2007

<sup>2</sup> LPA Refs: CA/21/01201/FUL & CA/19/00830/FUL