



Appeal Decision

Site visit made on 14 June 2022

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 28th June 2022

Appeal Ref: APP/J2210/W/21/3289524

First Floor Flat , 8 Oakdale Road, Herne Bay CT6 6AH

- 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 Derek Woodward against the decision of Canterbury City Council.
 - The application Ref CA/21/00609, dated 10 March 2021, was refused by notice dated 29 October 2021.
 - The development proposed is replacement of first floor windows to front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is within the Herne Bay Conservation Area (Conservation Area). I have paid regard to the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to preserving or enhancing its character or appearance. The Conservation Area is a designated heritage asset for the purposes of the National Planning Policy Framework (the Framework). Policy in the Framework, including section 16 (Conserving and enhancing the historic environment), is a material consideration.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons

4. The site surroundings are residential in character, predominantly older houses of Victorian/Edwardian origin. The appeal site occupies a first floor unit within one such mid terraced house that has been subdivided into flats.

5. Buildings within the terrace exhibit features that are consistent with historic mass housing, such as bay windows and exposed brickwork. The natural evolution of place over time has resulted in some change in appearance, for example alterations to front gardens. Notwithstanding this, there is a general consistency of appearance that positively contributes to and reinforces the historic character of the area.
6. In relation to windows, within the terrace there is a strong presence of timber sashes with an upper sash featuring 3x3 divisions. The window detail is a distinctive characteristic of the local area that is evident both on Oakdale Road and surrounding streets. The prominence of this feature is particularly evident at upper levels due to the increased visibility in the street scene when travelling along Oakdale Road.
7. Notwithstanding some examples of insensitive replacement along Oakdale Road, the distinctive window detail survives in sufficient number along the street to positively influence the design and general aesthetic of the area. Consequently, there is architectural interest that is of significance. In reaching this view I have paid regard to the evidence, including the Council's assessment of significance.
8. The proposed UPVC replacement windows would be of a noticeably different material to timber windows in the locality. This would be evident in both the appearance and texture of the windows, where there is a marked difference between a painted timber and vinyl finish.
9. The objective is to match the detailing of the existing windows. In this regard, replicating the 3x3 divisions within the upper pane of the sash is critically important. A failure to do so adequately would contrast very poorly with the original details that survive in the street and erode a positive feature of the locality.
10. I do not doubt the Appellant's intention to replicate the detailing with something more than stuck on glazing bars. Nor do I question the reputable nature of the company that has been identified to undertake the works. However, given the slender nature of the glazing bars there is a risk that double glazing and a change in materials would naturally lead to pressure to change the dimensions of the bars if they were incorporated into the frame itself. Although I have paid regard to the Appellant's comments on this matter, I am not satisfied from the evidence presented that a satisfactory window detail would result.
11. Given the eroding effect that insensitive window replacements would have, harm would result to the character and appearance of the Conservation Area. There would be a consequent negative impact on the significance of the designated heritage asset.
12. The harm to the asset would be less than substantial for the purposes of applying policy in the Framework. This triggers the need to weigh the harm against the public benefits of the proposal (Paragraph 202, The Framework).

13. I have considered the Appellant's points relating to the benefits of the proposal, including potential improvements in energy efficiency. Environmental benefits may cumulatively bring about public benefit, although the extent has not been evidenced in any technical detail. Overall, paying regard to all the potential benefits, they do not outweigh the level of harm to the character and appearance of the Conservation Area.
14. I have paid regard to the Appellant's examples of UPVC windows in the wider area. Specifically in relation to the permissions granted at 7 Oakdale Road and 58 Douglas Road, I do not have full details of the pre-existing circumstances and what was approved as a replacement. As such, whilst the decisions carry some weight (particularly the one on the same street as the site) they do not alter my overall conclusion which is reached based on the merits of the proposal and the evidence that has been presented.
15. I have noted the appeal decision relating to the property dating from 2011¹, insofar as it has been brought to my attention. Although I have reached a similar conclusion, given the age of the decision and subsequent change in policy context (particularly in the Framework) I have only given it limited weight.
16. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. Consequently, there is conflict with policies in the Canterbury District Local Plan, in particular DBE3, DBE6, HE1 and HE6 which include requirements relating to the protection, conservation and enhancement of the historic environment and ensuring that alterations are compatible with the character of the original building. There is also conflict with national policy contained in the Framework, in particular Section 16 (Conserving and enhancing the historic environment).

Conclusion

17. For the above reasons, and paying regard to all points made, the appeal is dismissed.

D.R. McCreery

INSPECTOR

¹ APP/J2210/A/11/2165556