
Appeal Decision

Site visit made on 23 August 2022 by A Humphries BSc (Hons) MSc

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/D1590/D/22/3299998

92 Park Road, Westcliff-On-Sea, SS0 7PQ

- 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 Mark Norton against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/00044/FULH, dated 11 January 2022, was refused by notice dated 23 May 2022.
 - The development proposed is changing the front 3 windows at the front of 92 Park Road.
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Decision

1. The appeal is allowed and planning permission is granted for changing the front 3 windows at 92 Park Road, Westcliff-On-Sea, SS0 7PQ in accordance with the terms of the application, Ref 22/00044/FULH, dated 11 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 'Heritage Rose' Cross Section v1.0 February 2020; and Location/Proposed Front and Side Elevation Plan.
 - 3) Notwithstanding the detail of the approved plans, the uPVC shall have a white wood grain finish. Prior to installation of the windows, details of the design of the proposed windows shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained in perpetuity.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. There is a degree of variation between the description of development on the application form, appeal form and that utilised by the Council on their decision notice. Whilst I am satisfied that all of these descriptions are seeking to describe the proposed development, the above description of development was taken from the application form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the Milton Conservation Area.

Reasons for the Recommendation

5. The host dwelling is a two-storey semi-detached terrace located in a residential area. The front elevation of the host dwelling has been altered by a single storey porch extension, predominately comprising a double glass door and large windows. Three white painted metal casement windows are positioned above at first floor level.
6. The host dwelling is located within the Milton Conservation Area (the Conservation Area). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The significance of the area is derived from the varied architectural design and quality of late-Victorian and early Edwardian dwellings. The Milton Conservation Area Appraisal (2022) notes that timber framed windows are a common feature and important to the character of the Conservation Area. This was observed within the Conservation Area during the site visit. Whilst many of the timber framed windows are sliding sash, some of which have a central mullion, there is a wide variety in the design, pattern and painted colours of the timber framed windows within the Conservation Area. Furthermore, a number of dwellings on Park Road and in the wider Conservation Area have had the original windows replaced with uPVC.
8. I acknowledge the Council's desire for replacement windows in the Conservation Area to be timber sash in line with the Supplementary Planning Document (SPD): Design and Townscape Guide (2009). I also recognise that in most cases the use of uPVC as opposed to timber can be harmful to the overall appearance of a building and the character and appearance of conservation areas. Whilst the proposed development would be modern uPVC sash windows, the appellant has indicated that they are prepared to amend the specific style of the uPVC sash windows. I am satisfied that this can be appropriately addressed through a condition.
9. The external appearance of the front elevation of the host dwelling has been significantly altered and none of the original timber windows on the front elevation have been retained. The evidence presented before me indicates that the existing window frames at first floor level are made of metal. These windows have little architectural quality or detailing that the surrounding dwellings exhibit. Furthermore, the pattern and material of existing windows are at odds from the original timber framed windows observed within the locality, including the original style of windows at the adjacent 96-98 Park Road.

10. The pattern and frame proportion of the proposed windows would be more aligned to the prevailing window patterns on the street scene compared to the existing windows of the host dwelling. The proposed windows would also add horn details that are evident on windows of adjacent dwellings but are not a feature of the existing windows. This pattern and detail compared to the existing windows would, in this case, offset the use of uPVC. Given that the proposed windows would replace non-traditional metal casement windows, there would be no loss of traditional timber materials or detailing.
11. In the context of the existing non-traditional material, design quality and pattern of the windows of the host dwelling, the proposed development would not cause harm to the character and appearance of the host dwelling. Given this, together with the varied design, pattern and colour of windows in the locality, overall and on balance, I am not persuaded that the modern material of the proposed development would be visually more prominent and noticeable from the street than the existing non-traditional windows of the host dwelling.
12. For the reasons above, the proposed development would not cause harm to the character and appearance of the host dwelling and would preserve the character and appearance of the Conservation Area. I am therefore satisfied that the proposed development would, in the context of the Framework, not compromise the significance of the Conservation Area.
13. The proposed development would not conflict with Section 72 of the Act and would comply with Policies KP2 and CP4 of the Council's Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015). Collectively, these policies seek high quality design that respects the character and distinctiveness of the site and surroundings, together with conserving and enhancing heritage assets. Whilst contrary to the SPD that seeks replacement windows to match original windows and where plastic material is not normally acceptable, the proposed development would replace already altered non-traditional windows and would also preserve the character and appearance of the Conservation Area.

Conditions

14. In addition to the standard conditions requiring a time limit for commencement of development and adherence to the approved plans, the Council has suggested a condition requiring the use of external materials to match the existing building. Given that the proposed development is for the replacement of metal casement windows with uPVC windows, I consider this condition to be unreasonable. The Council has, however, suggested a condition to amend the design of the uPVC windows to reflect the style of the original windows of neighbouring dwellings. On this basis, I consider this condition to be reasonable and necessary in the interests of preserving the character and appearance of the Conservation Area.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR