
Appeal Decision

Site visit made on 27 September 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2022

Appeal Ref: APP/X1165/W/22/3297880

Flat 9, Rosemont, Lower Woodfield Road, Torbay, Torquay, TQ1 2JY

- 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 Curtis against the decision of Torbay Council.
 - The application Ref P/2021/1019, dated 7 September 2021, was refused by notice dated 5 April 2022.
 - The development proposed is replacement of wooden sash windows with upvc design.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of wooden sash windows with upvc design at Flat 9, Rosemont, Lower Woodfield Road, Torquay, TQ1 2JY in accordance with the terms of the application, Ref P/2021/1019, dated 7 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 21.57 001, 21.57 002 Rev A, 21.57 004 Rev B.

Procedural Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.

Main Issues

3. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Lincombes Conservation Area (CA) and the effect of the proposed development upon the setting of Grade II listed Landour.

Reasons

4. The appeal site is a 4 storey detached 19th Century villa that has been converted into flats. Although not listed or identified as an important building, it shares features with other villas in the area, including the adjacent Grade II listed Landour, and as a result to some extent contributes to its setting and to the character and appearance of the wider CA. Common features shared with

Landour include its classical design, white painted stucco walls, similarly proportioned 12 paned sash windows, slight projecting first floor central bay with a pediment, substantial projecting front entrance and parapet walls around the roof. Both buildings are set back behind paved forecourts and have landscaped grounds to the rear.

5. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving a listed building or its setting or any features of special architectural or historic interest, in accordance with the statutory duty set out in Sections 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The Lincombes Conservation Area Character Appraisal (2002) notes that the historic character of the CA derives from 19th Century Frontages that retain much of their original detail, including original panelled doors and sash windows, the loss of which poses a threat to the significance of the CA. The proposal is to replace 6 wooden sash windows on the first floor with UPVC double glazed sash windows. 3 windows would be on the front elevation, 2 on the side and 1 on the rear elevation.
7. Where a building has most of its original features it is important to retain them or replace them with the same design and materials. However, as noted by the appellant, 9 of the 12 windows visible from the street on the front elevation of the building, and the front door, are UPVC. As such the original frontage has been significantly altered. However, those replacement windows reflect the design of the original windows and the glazing bars do not appear clumsy or bulky as the Council suggest. The difference between the replacement and original windows is slight and only noticeable when closely inspected, rather than from the street where it is not discernible. Given that UPVC windows predominate on the building and the proposed windows are convincing replicas which match them, the proposed development would not harm the character or appearance of the host building and would have a neutral effect on, and thus preserve, the character and appearance of the CA.
8. It follows that as there would be no harm to the appearance of the host building and a neutral impact on the CA, there would be no harm to the setting of the adjacent listed building. The proposed development would therefore accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030 (2015), Policy TH8 of the Torquay Neighbourhood Plan (2019), and the National Planning Policy Framework which seek good quality development that conserves or enhances the character and appearance of conservation areas and the setting of listed buildings.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR