



Appeal Decision

Site visit made on 20 September 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/G5180/D/21/3287920

1 Court Cottages, Cudham Lane North, Cudham, Sevenoaks TN14 7QL

- 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 Mrs F Crompton against the decision of Bromley Borough Council.
 - The application Ref DC/21/00954/FULL6, dated 26 February 2021, was refused by notice dated 14 October 2021.
 - The development proposed is a windows replacement.
-

Decision

1. The appeal is dismissed.

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. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, amongst other things.

Main Issue

4. The main issue is the whether the development would preserve or enhance the character or appearance of the host building and the Cudham Village Conservation Area (CVCA).

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwelling located within the CVCA. The appeal dwelling is a locally listed former workers cottage dating from the 1850s-1880s. The Council state the property is Mid-Victorian and features brick and tile hung finishings, a tiled roof, small paned casement windows and first floor semi-dormers. The appeal dwelling is situated in an elevated position on the eastern side of Cudham Lane North.
 6. The character of the CVCA is largely defined by its diverse building stock, reflecting Cudham's evolution over time and the use of vernacular materials and construction methods. It is dominated by the Medieval Church of St Peter
-

and St Paul which is the oldest remaining building in the village. The CVCA Supplementary Planning Guidance document (SPG) also refers to later additions to the village and to detached vernacular cottages, constructed in local materials. The significance of the locally listed appeal property derives from its architecture, apparent age, materials including predominantly tile hung upper floors and timber windows and its characteristic roof form with prominent gables and dormers. These features reflect the Victorian period of the village and contribute positively to the character and appearance of the CVCA.

7. The proposed replacement of the fenestration to the front, side and rear elevations of the dwelling from white painted timber casement windows to UPVC windows would be detrimental to its appearance as the frames would be visibly thicker and would have a contemporary appearance. Whilst the proposed design and colour of the windows would be similar to the existing, the use of UPVC would jar with the traditional appearance and materials of the building. I note the SPG specifically states that the character and appearance of the area would best be conserved by the maintenance of existing windows and doors in situ. It states that where new windows are required, these should be designed to closely match the originals and that uPVC would rarely be appropriate. In light of this, the replacement of the timber windows and use of UPVC would detract from the significance of the locally listed building which contributes to the character and appearance of the CVCA.
8. The appellant opines that the appeal property and proposed windows would not be visible from the road however, on my site visit, I observed that the first-floor windows were visible from the pedestrian footpath on the opposite side of Cudham Lane North as well as being visible to motorists travelling north on the road. In any event, the locally listed building is worthy of protection for its own sake, regardless of any public views.
9. Furthermore, whilst the appellant highlights the fact there are other buildings in the CVCA which feature UPVC windows, it is not clear if planning permission was granted for those examples and, by and large, these detract from the significance of the CVCA and therefore do not lend any significant positive weight to the proposal. Permission was granted, on appeal, for a single storey extension at the property, in place of a previous UPVC conservatory. However, the Inspector did note that the extension was set apart from the main building visually and also commented on the importance of the timber windows and other materials to the character of the building. Consequently, that decision does not set a precedent for current proposal.
10. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting, and that this should have a clear and convincing justification. I find the harm to be less than substantial and under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The appellant is of the opinion that the proposal would be beneficial because the replacement of the windows would improve insulation and thermal efficiency thereby reducing the building's carbon footprint. However, no

evidence has been provided that similar gains could not be made through replacement timber windows and/or other methods of draught proofing. Therefore, I consider this to be a very limited public benefit.

12. Given the above, I am not satisfied that the very limited public benefit of the proposal would outweigh the less than substantial harm to the designated heritage asset and locally listed building I have identified.
13. For these reasons, I conclude that the proposal would fail to preserve the significance of the locally listed building and the character and appearance of the CVCA. This would conflict with Policies 39 and 41 of the Bromley Local Plan (LP) and Supplementary Planning Guidance for the CVCA which together seek to ensure that developments conserve and, where possible, enhance the significance of conservation areas and that proposals to alter a locally listed building are sympathetic to their character and appearance. The development would also conflict with Policy 37 of the LP which seeks to ensure proposals are well designed and respect non designated heritage assets.
14. As a result, the proposal would not be in accordance with the development plan and would also conflict with the Framework.

Conclusion and Recommendation

15. I have concluded that the proposed development would not preserve the character and appearance of the Conservation Area and the locally listed building. The proposal would thus conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
16. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR