



Appeal Decision

Site visit made on 8 November 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th November 2022

Appeal Ref: APP/X2220/W/22/3299812

2 Deal Castle Road, Deal Kent CT14 7BB

- 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 Oliver Cooke against the decision of Dover District Council.
 - The application Ref 21/01155, dated 18 August 2021, was refused by notice dated 18 March 2022.
 - The development proposed is described as '*The plans for exterior works extend to replacement of the windows throughout the building, replacement of the front door, and reinstatement of the cast iron railings to the front of the property at street level and on the window sills at first floor level*'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site is located within the Deal Middle Street Conservation Area and subject to an Article 4 Direction. Put simply the latter removes some permitted development rights. The appeal here seeks permission for replacement windows, front door, and cast-iron railings at the appeal building. In or around November 2020¹ works to replace the windows was undertaken with uPVC windows now present.
3. The appeal site is opposite Deal Castle which is a Scheduled Ancient Monument (SAM). Neither party has raised substantive concerns over the impact on this designated heritage asset, and I see no reason to disagree.
4. The main issue is whether the development would preserve or enhance the character or appearance of the Deal Middle Street Conservation Area.

Reasons

5. The application building is a three-storey early Victorian building in the classical style, with attic and half-basement. It is an attractively modest mid-terraced building; with canted bay windows on the ground and first floor, decorative timber bargeboards, dentil cornice under the first floor set upon scroll like brackets.
6. It is located within the Deal Middle Street Conservation Area. This is an extensive conservation area and stretches northwards from Deal Castle encompassing historical development in both the town centre and along the

¹ See Officer's Report

seafront. This part of the conservation area is characterised by a number of Victorian-era buildings, many of which retain features common to buildings of that era; including timber framed sliding sash windows. It is from these features that part of the significance of the conservation area derives.

7. The development seeks permission for the retention of uPVC windows. These have replaced timber sliding sash windows. Whilst they seek to replicate the sash style, the use of double glazed UPVC windows has resulted in a bulkier framing for the windows. This discordant nature would be compounded by the inward tilting mechanism. Whilst this is envisaged to be for cleaning the windows, there is no guarantee that occupiers would only use this function for cleaning. When opened in this manner the visual symmetry with No.1 Deal Castle Road (on the corner) would be further eroded. The windows would therefore have a negative impact on the significance of the conservation area.
8. The plans labelled 'Front elevation (existing)' and 'Front elevation (proposed)' appear to show the windows for which permission is sought in situ. The railings on the low front wall and at the first floor bay window level having been superimposed on the 'proposed' photos.
9. With regard to the proposed replacement door, no detailed drawings have been submitted. The application form indicates that this would be 'Black painted timber door and white painted timber frame' as existing. It therefore follows, were the timber door and frame to be replaced exactly as like-for-like, then that aspect of the proposal would, at the very least, preserve the appearance of the conservation area.
10. In terms of the railings, the Appellant has sought to replicate those found at No1 Deal Castle Road. However, these appear to be later, more contemporary additions – evidenced by the use of support posts set onto the plinth with a large section of railings between these 'posts'. By contrast, those found at Nos 6-9 are characterised by slender iron bars individually set into plinths with decorative finial heads. As such, the railings proposed would detract from the character and appearance of the conservation area.
11. Accordingly, I find that the works fail to preserve or enhance the character of appearance of the conservation area. This harm is no greater than 'less than substantial', as set out in Paragraph 202 of the *National Planning Policy Framework* (the Framework). Paragraph 202 goes on to indicate that where such harm is identified this needs to be weighed against the public benefits of the proposal.
12. The public benefits in this case include the potential of improving energy efficiency and that uPVC windows are more weather resistant in a coastal location (though no detailed information has been provided which demonstrates that over their lifetime uPVC windows would be necessarily so compared to timber windows), the potential to reduce the risk of crime, and to improve fire safety and escape. However, I do not find that these benefits outweigh the harm to the designated heritage asset.
13. I have taken into account the numerous examples submitted by the Appellant and interested parties relating to nearby properties and various other refused appeals and allowed planning permissions. However, I do not find that these provide justification for the appeal scheme. Whilst I have only been provided with limited details of how those situations arose, some of these may predate

the imposition of the Article 4 Direction. Moreover, my role is to consider the scheme before me, which I have done, and I have identified harm arising which is not mitigated or justified.

14. As such, I find that the appeal scheme fails to preserve or enhance the character and appearance of the conservation area. It would therefore conflict with the policies of the Framework, including those set out in Section 16 – Conserving and enhancing the historic environment, and would fail to comply with the requirements of s72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended.
15. For the reasons given above I conclude that the appeal should be dismissed.

C Parker

INSPECTOR