



Appeal Decision

Site visit made on 8 November 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/D1265/W/22/3290991

36 Alexandra Road, Weymouth, Dorset DT4 7QQ

- 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 Bob Smith against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02148, dated 28 July 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as 'Replacement of existing windows of poor condition with heritage style mechanically fixed UPVC type windows, like for like'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Lodmoor Conservation Area (CA).

Reasons

3. The CA is a mainly residential area with a notable layer of Victorian and Edwardian properties. Many of the properties retain their original features and detailing including some windows and doors. The CA therefore gains some historic value and significance from this concentration of period dwellings, as it provides a repository of bygone styles, fashions and townscapes. The groups of historic buildings also provide aesthetic value and a pleasant street scene especially when viewed alongside the frontage boundary treatment and street trees as unifying features.
4. The appeal site itself comprises a two-storey end of terrace property located at the junction of Alexandra Road with Hanover Road. As such, three elevations of the appeal building are visible from these streets. The property has timber sliding sash windows in the front and side elevations with a rear projection having more modern timber casement windows. It forms a terrace with other properties which have notable features in common such as substantial brick chimney stacks, projecting two storey bay windows to the front elevation and a brick arch over the front entrance. These original features means that the terrace as a whole contributes positively to the character and appearance of the street scene and as such is a non-designated heritage asset.
5. The windows at the appeal property appear to be original with horn detailing. This authenticity means that as well as looking attractive, they contribute to the architectural harmony of the terrace as a whole given that all but one other

property have windows of the same proportions, material and detailing. The removal of the windows would result in the loss of historic fabric and detailing which positively contributes to the character and appearance of the CA.

6. I saw the replacement windows which have been installed at another property in the terrace apparently without planning permission. The frames had a slim profile and attempts had been made to replicate the original detailing of the windows such as the addition of horns. Despite this, I found that the design of the window surround varied from that on the rest of the terrace and a deeper frame had been used in the window opening at first floor level above the front door. As a result, I did not find that the windows were 'indistinguishable' from those in the remainder of the terrace as suggested by the appellant.
7. I have nothing before me which shows the proposed windows in any detail including manufacturers details, the precise nature of the 'grained' external finish, details of the opening mechanism and scale drawings of each window. Indeed, the photograph of the UPVC sash window in the Design Document¹ shows the inclusion of a trickle vent on the window head which is not a feature seen on the existing windows. Taken together, the appellant has not demonstrated that the replacement windows would have a like for like visual impact to those being replaced, such that the loss of the original windows in lieu of modern replacements would not be perceived. Indeed, from the details before me I am not satisfied the windows would not stand out and thus unbalance the terrace to the detriment of the street scene.
8. The removal of the timber windows at the appeal building would result in the loss of an original feature and part of the historic fabric of the building. There is no evidence before me that the existing windows are dilapidated and beyond repair. Nor am I satisfied that the appellant has demonstrated the replacement windows would have a like for like appearance. As such, I conclude that there would be moderate harm to the character and appearance of the host dwelling, the terrace as a non-designated heritage asset and the CA. The proposal would fail to preserve the character and appearance of the CA.

Heritage Planning Balance

9. The moderate level of harm that would occur would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan 2011 – 2031 adopted October 2015 (LP) and Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection when the statutory test in the Act² that seeks to preserve the character and appearance of a CA has not been met.
10. In terms of benefits, the appellant points to the energy performance of double-glazed units and the benefits this could have for the occupants in terms of fuel bills and their health. I am in no doubt that double glazing could reduce condensation and make the property more energy efficient, perhaps by something in the region of 30%, contributing towards lower carbon emissions. However, it is reasonably likely that some energy savings could also be

¹ Design Document by Fischer Design Studio dated August 2021

² Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

achieved through options such as draught strips, the installation of secondary glazing or replacement double glazed timber windows. I therefore give this matter limited weight.

11. The appellant also advises that timber sash windows are less reliable as a means of escape in case of fire as they can be prone to jamming and that UPVC windows are also more secure. Nevertheless, regular maintenance and retrofitted security devices could assist with this and I therefore give this matter limited weight.
12. The appellant refers to a number of properties in the CA with replacement UPVC windows. From my own assessment of the CA, I found many examples close to the appeal site of inappropriate UPVC replacement windows where the design, style of opening and thickness of the frames detracted from the character of the building and the wider area. However, rather than being a benefit which should be weighed in the balance, this reinforces my view that inappropriate windows could have a harmful effect on the character and appearance of the CA.
13. I note that Weymouth Town Council withdrew its previous objection and have indicated their support for the proposal. However, this does not alter my findings with regards to the acceptability of the appeal proposal.
14. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and Paragraph 199 of the Framework requires great weight to be given to the assets' conservation.
15. In this context, I find that the cumulative public benefits of the scheme carry limited weight and do not outweigh the less than substantial harm that would arise from the proposal. Accordingly, the appeal proposal would conflict with Policies ENV4, ENV10 and ENV12 of the LP which amongst other things seek high quality design which contribute towards maintaining local identity and distinctiveness and conserving the significance of designated and non-designated heritage assets. There would also be conflict with Paragraph 200 of the Framework as the harm to the designated heritage asset would not have clear and convincing justification.

Conclusion

16. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR