



Appeal Decision

Site visit made on 9 January 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/A1530/D/22/3308564
12 Constantine Road, Colchester, CO3 3DU

- 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 Marchel Alexandrovich against the decision of Colchester Borough Council.
 - The application Ref. 221127 dated 22 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is replacement of rotting single-glazed wooden sash windows with uPVC equivalents.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The replacement windows have been installed and therefore I have dealt with this appeal as involving an application for retrospective planning permission.

Main Issue

3. The main issue in this case is the effect of the replacement windows on the character and appearance of the dwelling and the conservation area.

Reasons

4. The appeal site is a two-storey, semi-detached house that lies within a predominantly residential area within the Mill Field Road Conservation Area. This area is covered by an Article 4 Direction restricting permitted development rights for alterations to windows, doors and openings on street facing elevations. Hence the need for planning permission for the appeal development.
5. The appellant explains that the need arose to replace three original windows. They were over 100 years old, single glazed, not closing properly and could not be repaired. This opinion was given by 2 different carpenters. Secondary glazing was not considered an option as it clearly does not offer anywhere near as good insulation as double glazing. Quotations were sought: a wooden option was 2.5 times the cost of the uPVC (£5k vs £2k), but were not going to be 'bespoke'. The cost of bespoke wooden windows would be completely prohibitive (£7k vs £2k). Of 2 quotes for uPVC windows obtained, the much more expensive option was chosen. It was recognised that the finish was never going to match the wood exactly, but the horns, the proportions, the fact they

are sash windows meant they were closely matched to the original. A balance had to be struck between finding windows that would provide insulation and energy saving vs respecting the character of the house. The attached house has very similar uPVC windows, whilst the neighbours at No.10 have the original windows – with the appeal windows being a very good match to these).

6. As stated in the officer's report, the council's Historic Buildings and Areas Officer was consulted on the application. In her response, she sets out a clear background to this case, parts of which I repeat here:
"The Millfield Conservation Area, which is a characterful late 19th/early 20th century group of streets that retains much of its original character including timber sash windows, elegant doors, many with stained glass, slate roofs, interesting joinery details, boundary walls and street trees. Because much of what is characterful about the streets is vulnerable to unsympathetic alteration it is protected by an Article 4 Direction requiring planning permission to be sought for any changes to these features. The Conservation Area was only recently designated, and as such, numerous unsympathetic alterations have already happened. Part of the function of the Article 4 direction is to stop these, and slowly to reverse the inappropriate changes that have happened. Thus, uPVC windows that reach the end of their life should be replaced by double hung timber sash windows, concrete roof tiles replaced with slate and boundary walls slowly reinstated".
7. Just as the council has, I have a statutory duty to pay special attention to the desirability of preserving the character of the conservation area [s72 Planning (Listed Buildings and Conversations Areas) Act 1990.] This is reflected in adopted policies DM15: Design and Amenity, and DM16: Historic Environment of Colchester Borough Local Plan 2017-1 2033, Part 2, as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas. As paragraph 2 of the National Planning Policy Framework (the Framework) points out, *"planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"*. Therefore, policy DM15, and more particularly policy DM16, together with the s72 obligation, are the starting points for consideration of this appeal.
8. One of the most important aspects of this conservation area is the original consistency of architectural features. Timber sash windows are an important feature of the area, one of the unifying features that helps to define the character. In this connection, 2 things are clear: many of the windows in the front elevations of the houses in Constantine Road have been replaced with plastic windows, and the appellant has recognised the need to keep property in character with the area by at least being very careful about the precise form of plastic window that he has installed.
9. There are clearly advantages in replacement with modern uPVC windows, including cost, and more importantly, in terms of thermal efficiency, with lower heating costs and greater comfort for the occupiers. But wood is a more sustainable natural material, which in a case such as this should be painted. The texture and surface appearance of a painted finish cannot be replicated in plastic replacements. Nor can the fine detail of discreet smooth joints and thinner meeting rails be reproduced

Conclusions

10. Where windows, attempting to replicate the original windows as far as possible, have been used, they fail to preserve the conservation area's character and appearance. Each time such changes occur, as in this case, additional harm is added to that which has already resulted from the changes over time. As such, any existing harmful replacement windows should not be seen as a positive precedent for the appeal proposal. Over time, and with strong backing for the policy, the character and appearance of the conservation area will gradually improve.
11. For these reasons, I find that the proposal fails to preserve the character and appearance of the Mill Field Road Conservation Area. 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 199). Based on the above findings, I consider the harm to be, using the terminology of the Framework, 'less than substantial' in this instance, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal (paragraph 202). While I acknowledge the strength of the matters that the appellant refers to, any costs associated with the work on the windows does not outweigh the harm to the conservation area that I have identified.
12. For the above reasons, I conclude that the replacement windows do not preserve the character and appearance of the Mill Field Road Conservation Area, and bring harm to the appearance of the house. Consequently, the proposal is contrary to adopted policies DM15: Design and Amenity, and DM16: Historic Environment, of Colchester Borough Local Plan 2017-1 2033, Part 2, and the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR