



Appeal Decision

Site visit made on 25 April 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023.

Appeal Ref: APP/Z1510/D/23/3316510

20 Chantry Close, Braintree, Essex CM7 5FQ

- 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 I Fairbrass against the decision of Braintree District Council.
 - The application Ref 22/02626/HH, dated 3 October 2022, was refused by notice dated 30 November 2022.
 - The development proposed is the replacement of existing timber-framed windows with new imitation timber framed windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. An application prior to this proposal was refused by the council and dismissed at appeal (APP/Z1510/D/21/3283667). That application included the same window details that are now being proposed. The only difference between the two applications is that the first application also included the replacement of the timber soffits and fascia boards. The inspector that reached the appeal decision described the significance of the conservation area including the importance of traditional materials. It is evident also that the various properties close to the appeal dwelling and those in the wider area, that do not benefit from the use of traditional materials, were also considered in his determination. It is not necessary therefore to repeat these matters.
 4. Although the first appeal included the soffits and fascia boards, on reading the appeal decision, there is nothing within it that suggests that the same conclusion would not have been reached had these elements not been included. Indeed, it would have been open to the inspector to allow one element but not another if individual elements were considered acceptable. However, given the wording of the decision letter at paragraph 8, which refers specifically to the windows and the specific details of their design and material, it was concluded that the proposed plastic replacement features would appear as non-traditional and discordant additions.
-

5. I was able to view an example window at the property. I am unclear if this was available to the previous inspector. It would appear from the decision that his judgement was made on the basis of the drawings and brochure details. In any event however, whilst the example window frame I viewed was clearly a high quality PVC window, this does not address the main concern set out by the previous inspector.
6. I did look with some care at the quality of the windows in this and neighbouring properties and there is clearly the potential to improve upon them. This does not however change the conclusion previously reached that these alternative materials would result in less than substantial harm to the character and appearance of the conservation area. The public and private benefits remain as previously considered. They were found not to outweigh the harm and this remains the case.
7. One matter that has changed relates to the policy position. The Braintree District Local Plan Review (July 2005) has been superseded. However, policy SP7 within section 1 of the Braintree District Local Plan 2013-2033 (2021)(LP) remains in force. The emerging policies referred to by the inspector have been replaced by policies LPP 36, LPP 52 and LPP 53 of section 2 of the LP and were adopted in 2022. There has not therefore been a change in the policy requirements in relation to this matter. The proposal was found to be in conflict with the National Planning Policy Framework 2021 and this remains unchanged.
8. Overall, I have found nothing in this proposal or the submissions that either differs from the previous appeal or suggests that a different decision should be reached. Whilst I have had regard to the support offered and the comments made, I agree with the findings of the previous inspector. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR