

Appeal Decision

Site visit made on 8 June 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/X3540/D/22/3312166

97 The Avenue, Lowestoft, Suffolk NR33 7LH

- 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 Andrew Bigg against the decision of East Suffolk Council.
 - The application Ref DC/22/1404/FUL, dated 7 April 2022, was refused by notice dated 8 September 2022.
 - The development proposed is replace the windows on the front.
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Decision

1. The appeal is allowed and planning permission is granted for replacement windows on the front of 97 The Avenue, Lowestoft, Suffolk NR33 7LH. The permission is granted in accordance with the terms of the application Ref DC/22/1404/FUL, dated 7 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be completed in all respects strictly in accordance with Glazing Bar Details and Sash Window Details, received 8 April 2022, for which permission is hereby granted.
 - 3) No development shall commence until elevational plans, showing all windows to be replaced, have been submitted to and approved by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Main Issue

2. The main issue is whether the proposed replacement windows would preserve or enhance the character or appearance of the Lowestoft London Road South Conservation Area, in which the appeal property is located.

Reasons

3. The conservation area comprises a long and narrow area which runs north-south along the coastline and includes the seafront and roads parallel to it, as well as shorter perpendicular streets. The conservation area is predominantly urban in character, with dense commercial development and stretches of terraced housing. Development to the south west is more dispersed, and
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residential buildings are set within larger plots. The Avenue is a tree-lined, suburban street, characterised by twentieth century houses which are set back from the road behind generous front garden plots. No 97 is a large two storey building with a painted render façade and bay windows on ground and first floor. As such, the building makes a positive contribution to the street scene and the conservation area. The area is subject to an Article 4 direction which, amongst other matters, requires approval of replacement windows and doors.

4. The proposal involves the replacement of the windows across the property's front elevation, which currently comprise single-glazed timber sash windows, some of which are original. The proposal is to replace the existing windows with double-glazed sash windows with UPVC frames. The submitted drawings show that these would be of the same design as the existing windows, with frames of the same width and parallel glazing bars to the central window in each bay.
5. I have had regard to the appellant's contention that the state of disrepair of the windows and their thermal inefficiency requires their replacement. I acknowledge also the Council's position that the windows may be capable of effective restoration; and that windows that introduce a more modern or materially different appearance would be uncharacteristic and incongruous compared to the existing windows.
6. The conservation area appears to cover only part of the Avenue, but the properties nearby to No 97 form part of its setting. Both within the designated area and its setting along the Avenue, the property types and their detailing, including windows, are highly varied. This includes detached and semi-detached dwellings as well as some bungalows, most of which have replacement double-glazed UPVC windows. These are varied in their design and quality, with a number of examples of unsympathetic replacement windows.
7. However, there are also examples where the same design of replacement sash windows as proposed here have been installed to a high standard. Notable examples include Nos 48, 50 and 57 where the design and appearance of the replacement windows preserves the character and appearance of the area and its setting. Moreover, these examples are seen in the context of the original brick elevations of the properties' frontages, whereas the white painted render of the appeal property would make the windows less conspicuous. Consequently, as the proposed replacement windows would reflect the design and appearance of these existing examples, they would not be uncharacteristic or fail to preserve the appearance of the conservation area and its setting.
8. Therefore, for the above reasons, I conclude that the proposed replacement windows would preserve the character and appearance of the Lowestoft London Road South Conservation Area. Consequently, there is no conflict with Policy WLP8.39 of the East Suffolk Council – Waveney Local Plan (2019), which concerns the effects of development within conservation areas. The proposal is also not contrary to section 16 of the National Planning Policy Framework, concerning the historic environment.
9. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be

paid to the desirability of preserving or enhancing the character or appearance of that area¹. I have also had regard to the representation made by an interested party, the Member of Parliament for Waveney.

Conclusion and Conditions

10. I have found in the appellant's favour with regard to the main issue and, therefore, for the reasons given the appeal should succeed.
11. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the submitted drawings. I have, however, omitted the suggested wording concerning subsequent submission of drawings and compliance with other conditions, as this is not strictly necessary.
12. Despite the description of development, I accept the Council's suggestion that, for the avoidance of doubt, elevational plans confirming all the windows to be replaced should be submitted for approval.

J Bell-Williamson

INSPECTOR

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