



Appeal Decision

Site visit made on 8 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/W4515/D/23/3316908

1 Dukes Meadow, Backworth, North Tyneside NE27 0GD

- 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 Ian Milsted against the decision of North Tyneside Council.
 - The application Ref 22/01888/FULH, dated 11 October 2022, was refused by notice dated 28 November 2022.
 - The development proposed is Single storey rear extension with flat roof and lantern. Replace existing windows on rear elevation with PVCu timber effect sash to match existing style.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Backworth Conservation Area (CA).

Main Issues

3. The main issues are (i) the effect of the proposed replacement windows on the character and appearance of the CA and (ii) the effect of the proposed rear extension on the living conditions of the occupiers of 2 Dukes Meadow, with particular reference to outlook.

Reasons

Character and appearance

4. There is limited information before me as to the significance of the CA. However, it is evident that the collection of period properties along the main B1322 road through the settlement contribute positively to the character and appearance of the CA. Although the Dukes Meadow development on which the appeal property is located has come about in more recent times, by reason of its design, layout and use of traditional materials, it too contributes positively to the character and appearance of the designated area. In particular, it has been successful in replicating the overall feel of the settlement and in reflecting the character and appearance of the more historic development found within it.
5. It is proposed to replace all of the windows on the rear elevation of the appeal dwelling with new PVCu units. At present, the windows to both the front and rear elevations of the dwellings on Dukes Meadow appear predominantly to be

constructed from timber, and they have a consistent profile and general appearance. This coherence makes an important contribution to the character and appearance of Dukes Meadow, and in turn to that of the CA. The appellant states that the existing windows are not original, but nonetheless they appear to match those used on other dwellings. Whilst the windows are located to the rear of the appeal dwelling, they would be visible from other adjacent dwellings and from within a courtyard area that serves nearby properties. In such views, the rear elevation of the appeal property is viewed in conjunction with the rear elevation of 2 Dukes Meadow, which itself currently appears to have timber windows.

6. The appellant has provided some details of the PVCu windows that are proposed to be installed, but these are of only limited assistance in providing a direct comparison with the existing timber units. The timber windows at present have deep profiles with the inner sash being well recessed. They also have thick chamfered glazing bars. It is not clear that either of these features would or could be replicated in the proposed PVCu units. Furthermore, I am not persuaded on the basis of the information that is before me that the difference in the materials would not be evident, in terms of the contrast between the existing painted windows and the more manufactured appearance that plastic windows would be expected to have. Any differences that did result would be readily apparent given that the rear elevation of the appeal dwelling is viewed in conjunction with that of No 2.
7. On this basis, it would appear likely that the proposed PVCu windows would not replicate the existing timber windows in their appearance. This would set them apart from the prevailing form of windows on Dukes Meadow. Given the coherence and consistency of the existing timber windows on the wider development and the positive contribution that they make to the character and appearance of the properties and the CA, the change that is proposed would differentiate the rear elevation of the appeal dwelling from the other elevations of dwellings on Dukes Meadow. This would cause visual harm and fail to preserve the character and appearance of the CA, which is a matter that carries considerable importance and weight.
8. Due to the nature of the proposed development, I consider that less than substantial harm to the CA would be caused. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 202 of the National Planning Policy Framework (the Framework).
9. The public benefits advanced relate to the unsustainable nature of the existing timber windows and to improving energy efficiency. This refers to matters relating to water, condensation, insulation and cold problems, and that the PVCu windows would seek to address these and to enable the optimum viable use of the building. However, there is no substantive evidence before me as to the extent of the existing issues in these regards, how the timber windows contribute to or cause these issues or how the proposed PVCu windows would serve to rectify them. As such, it is not clear what degree of benefit would occur, or the degree of benefit that there would be to the public. Accordingly, these considerations carry limited weight, and they do not outweigh the harm that I have found would arise from the installation of the windows.

10. My attention has been drawn to examples of existing PVCu windows on properties within Backworth, including on the adjacent dwelling that fronts on to the B1322 and on modern dwellings that have only recently been built. I do not have any details of the circumstances in which these windows came to be present on the dwellings in question, but irrespective of this they are not on properties on the Dukes Meadow development and they are not visually read in the context of the collection of buildings that form part of it. Therefore, the PVCu windows that are present elsewhere in the CA do not have an impact comparable to the appeal proposal, and they do not justify the harm that would be caused by it.
11. A number of appeal decisions relating to the provision of PVCu windows have been provided, both within the North Tyneside area and beyond. However, I have set out above why I consider that the replacement of the timber windows with PVCu windows, in the circumstances of the case that is before me, could not be done without causing harm to the character and appearance of the CA. Therefore, whilst I have given consideration to each of the appeal decisions and acknowledge that they relate to instances where PVCu windows have been permitted on appeal in Conservation Areas, they too do not justify the appeal development, given the harm I have found that would arise in this specific instance.
12. For these reasons, I conclude that the proposed replacement windows would cause harm to the character and appearance of the CA. The character and appearance of the CA would therefore not be preserved or enhanced. Consequently, the installation of the proposed windows would fail to accord with Policies S6.5 and DM6.6 of the North Tyneside Local Plan 2017 (LP), where they seek to protect the character and appearance of heritage assets. There would also be a conflict with the Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.

Living conditions

13. A previous proposal which included a rear extension was refused planning permission and subsequently dismissed on appeal. That rear extension projected 4.8 metres from the existing rear wall of the appeal dwelling, whereas the current proposal projects 3.9 metres. In all other respects this element of the appeal proposal is the same as its predecessor.
14. The Inspector in the previous appeal considered that the projection of 4.8 metres would have an unacceptable impact on the outlook from the nearest ground floor window to the rear of 2 Dukes Meadow and on part of its garden area. The question that arises now therefore is whether or not the reduction which is proposed would reduce the impact on No 2 to the extent that no undue impact would arise. In that regard I find that it would, for the following reasons.
15. The existing outlook from the window to No 2 is already impaired by the presence of the fence which runs along the common boundary. Although the proposed rear extension is higher than this fence, it would have a flat roof which would minimise its total height. The reduction of 0.9 metres in its length would adequately alleviate the impact upon outlook that was of concern previously, because it would reduce the extent that the massing of the proposed extension would project beyond the rear elevations of the two

dwelling. This would provide relief to views taken from the window of No 2 in comparison to the earlier proposal. It would also reduce the impact on its rear garden to an acceptable level.

16. Therefore, I find the principle of the size of the rear extension that is now proposed to be acceptable. It would not in that respect conflict with the aims of Policies S1.4, DM6.1 and DM6.2 of the LP or with the Design Quality Supplementary Planning Document 2018, where they seek to protect living conditions.
17. However, there remains a matter relating to the intended use of aluminium and PVCu on the windows and doors of the proposed extension, which is referenced within reason for refusal 2. For the same reasons I have set out in my assessment of the first main issue, the use of those materials would not be acceptable in the context of the surroundings. Furthermore, whilst the Design & Access Statement states that the style and design of the existing windows will be matched in all respects, this is not what is shown on the submitted plans for the rear extension. Therefore, the proposed rear extension would fail to accord with Policies S6.5 of the DM6.6 of the LP in these specific regards, where they refer to character and appearance.
18. I have given consideration as to whether these matters could be addressed by way of a planning condition, requiring the submission and agreement of further details. However, there is no indication in their submissions that the appellant would be amenable to the use of an alternative material. I also consider that amendments would need to be made to the size of the window aperture proposed on the rear extension, to better reflect those of the windows on the existing dwelling. This would require design changes to the proposal and is not a matter I consider that it would be appropriate to address by way of a planning condition.
19. Accordingly, as the proposed rear extension as submitted fails to accord with the policies of the development plan I have outlined, it cannot be supported in its current form.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR