



Appeal Decision

Site visit made on 23 May 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/P1133/W/22/3310340

1A Piermont Place, Dawlish EX7 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Kingscliffe Property Company (Mr Julian Southwick) against Teignbridge District Council.
 - The application Ref 21/02645/HOU, is dated 16 November 2021.
 - The development proposed is the replacement of existing windows with conservation grade UPVC sash windows in the Rose Collection provided by Roseview Windows to match existing.
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Decision

1. The appeal is dismissed and planning permission for the replacement of existing windows with conservation grade UPVC sash windows in the Rose Collection provided by Roseview Windows to match existing, is refused.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's statement, in so far that it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so. The conclusion of the statement only refers to the character and appearance of the host property. However, the policies listed within that conclusion, and the reasoning in the rest of the statement, clearly demonstrate that any potential harm should be considered within the context of the significance of the Conservation Area. The main issue below is therefore reflective of that.

Main Issue

3. The effect of the proposed development on the character or appearance of the Dawlish Conservation Area.

Reasons

4. The appeal site is situated within the Dawlish Conservation Area, a designated heritage asset. The character and appearance of the Conservation Area is not uniform and there are a range of building types and styles. However, a large number of the buildings are two or three storeys in height, with retail space on the ground floor and residential premises above. Many of them have rendered elevations and pitched tile roofs as well as traditional wooden sash windows, although there are also numerous examples of the use of UPVC. In general

terms, the appearance of the buildings, and their design features, contributes to the significance of the area as an historic town centre.

5. No. 1 Piermont Place, which includes No. 1A on the first and second floors, occupies a curving corner plot close to the road as it winds its way down to the seafront. It is therefore in a very visible location. Its visibility is further enhanced by the fact that it can be seen from some distance by people travelling towards it along The Strand which is one of the primary streets in the town centre. The appearance of the building is relatively elaborate compared to many others in the vicinity. Its exterior comprises exposed brick work, and its design features include a traditional looking shop frontage at ground floor level, sash bay windows with wooden frames on the first and second floors, and gables above.
6. In combination, the location of the building, and its appearance, ensures that it stands out as being particularly prominent within the street scene, and that it contributes positively to the significance of the Conservation Area.
7. It would appear that the proposed UPVC windows would be of a high-quality design and would likely be of a similar style to the existing sash windows. However, despite being on the first and second floors, the fact that they would be manufactured from UPVC would be readily apparent to anyone observing the building from close range. There are examples of UPVC windows close to appeal site, and the appellant has set out that the design of the proposed windows has been successfully used in Conservation Areas elsewhere. However, the historic features of this particular building, and its prominent location, mean that the use of UPVC would appear quite jarring and out of place, and would clearly detract from its overall appearance and that of the wider Conservation Area.
8. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial' harm in the words of the National Planning Policy Framework (paragraph 202). That harm must be weighed against public benefits. In this instance, the public benefits include the improvement of the external appearance of the building and reduced disruption during maintenance of the windows.
9. It has not been demonstrated why the appearance of the building could not be improved to the same extent by repairing the existing windows, or by replacing them with new wooden framed double-glazed windows. Some disruption to the public would be caused during maintenance of the existing windows due to the use of scaffolding. However, this would be very infrequent, and in any event, the resulting disruption would not be significant. As a result, the public benefits have very limited weight and do not outweigh the harm I have identified. Other benefits would be private in nature, including making the dwelling at No. 1A more energy efficient and helping to reduce the impact of poor air quality and noise, as well as costs associated with maintenance.
10. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033, adopted 6th May 2014, which seeks to preserve and enhance designated heritage assets. It would also

conflict with paragraphs 197, 199, 202, 206 and 207 of the National Planning Policy Framework which have similar aims.

Other Matters

11. The Council has noted that the proposal could affect a Site of Special Scientific Interest, or an internationally designated site. However, as I am dismissing the appeal, I am not required to consider this matter further.
12. While the Town Council has not objected to the proposed development, that in itself does not mean that harm cannot occur. I have set out why I consider the proposal to be unacceptable. In addition, the appellant has suggested that, were the appeal to fail, they would terminate the existing tenancy arrangement and sell the property. However, this is not an issue that can overcome the harm that I have identified.
13. I note that the appellant is not satisfied by the service they have received from the Council, including the fact that the application was not determined. However, the appeal process allows for such eventualities, and in this instance, I have set out why I consider the proposal to be harmful.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR