



Appeal Decision

Site visit made on 3 July 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/J2210/D/23/3315635

87 Canterbury Road, Herne Bay, Kent CT6 5SA

- 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 Steven Allen against the decision of Canterbury City Council.
 - The application Ref CA/22/02303, dated 29 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is Replacement of windows and door from Timber to UPVC timber composite.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as it more accurately describes the proposal.

Main Issue

3. The main issue is whether the replacement windows and doors would preserve or enhance the character or appearance of the Herne Bay Conservation Area.

Reasons

4. The Herne Bay Conservation Area (the CA) includes part of the seafront and the network of streets extending back from this area. The CA has a varied character comprising a mix of residential and commercial properties primarily dating to the nineteenth and twentieth centuries. The CA is characterised, in part, by large brick faced Victorian and Edwardian style villas, reflective of the development of Herne Bay during this period. These typically have relatively ornate frontages facing directly onto the street or set back behind small gardens. Windows here are typically painted timber sliding sash windows, although there are a variety of styles present. Together this variety contributes to the varied character of the CA.
5. I have been provided with little detail regarding the heritage significance of the CA. As such on the basis of my own observations, the significance of the CA insofar as it relates to this appeal includes the prevalence of Victorian and Edwardian development indicative of the expansion of the town during this period, their decorative frontages and the prevalence of timber sliding sash windows.

6. Section 72(1) of the Act¹ requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. This is a matter to which I have attached considerable importance and weight.
7. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, including conservation areas, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that any harm to the significance of a designated heritage asset should require clear and convincing justification.
8. The appeal property is the ground floor flat of a brick-built villa that is reflective of the Edwardian and Victorian development that contributes to the character of the CA. Whilst having the appearance of a pair of semi-detached villas, the building is divided into four flats. The building as a whole has a particularly decorative exterior, featuring a prominent gabled frontage with timber detailing including recessed porches and balconies.
9. The vertically sliding sash windows in the building contribute significantly to this decorative appearance. This is primarily due to the top sash, which is multi-paned with decorative detailing, including arched panes to the upper row. This is a consistent design present across all four flats. The glass in the windows has the uneven and varied surface that is indicative of historic glass. Such glass is becoming rarer and is reflective of the glass producing technology and craftsmanship present at that time.
10. The existing front door at the appeal property, set within the recessed porch is painted timber with a glazed arched design, reflective of the arched nature of the windows.
11. Forming part of a brick-built villa with a period character, decorative appearance, and incorporating evidence of historic craftsmanship including through its decorative windows, I saw that the appeal property reinforces the character of the CA.
12. It is proposed to remove the windows to the ground floor flat and replace them with UPVC sliding sash windows. No justification has been provided for their removal and there is no evidence before me that they are not capable of being repaired. The loss of historic fabric without justification would result in harm to the character and appearance of the existing building and would diminish its contribution to the CA, to the detriment of its significance.
13. Nonetheless, the proposed windows are an attempt to replicate the design of the existing windows. However, through their material, the thicknesses of the frames, the general proportions and the lack of any arched detailing, these would fail to come close to reproducing the design or the character and craftsmanship present in the existing windows. The use of modern glass would also fail to replicate the varied appearance of the existing glass or its evidential value.
14. When seen alongside the remaining historic windows present at the adjoining flats, the harm arising from the replacement windows would be highly evident. Moreover, whilst I accept that what is proposed is a relatively small alteration,

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.

it is these incremental changes to key features which contribute to and positively reinforce the character and appearance of a conservation area, that have potential to dilute and undermine an area's special interest. In turn this is harmful to a conservation area as a whole and its significance as a designated heritage asset. I also note that the CA is protected by an Article 4 direction which has been imposed to protect architectural elements such as windows from incremental change.

15. On the site visit I saw that windows at nearby properties had been replaced with UPVC. These appear to be very similar to those proposed as part of the scheme before me. Whilst I sympathise with the appellant in this regard, it is not clear whether these have been installed with planning permission, which limits the weight I can give to their presence. Nevertheless, when seen alongside the historic windows the contrast between them is clear and this reinforces my above assessment. In that regard I would note that evidence of existing harm to a conservation area is rarely justification for additional harm.
16. For the above reasons, I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of section 72(1) of the Act. As such the proposal would cause harm to the significance of this designated heritage asset.
17. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
18. I have not been directed to any public benefits arising from the appeal scheme. The appellant may be of the view that the proposal would provide improved insulation however it is not clear if more simple thermal upgrading options, such as draught-proofing or secondary glazing have been considered. Moreover, any public benefits arising from improved thermal efficiency from double glazing in this flat would be inherently limited by the small-scale nature of the proposal.
19. Overall, these limited public benefits would not outweigh the harm I have identified above.
20. The proposal would fail to preserve or enhance the character or appearance of the CA and would be harmful to its significance. This would be contrary to the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact would also be contrary to Policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan (2017) which together seek to conserve and enhance heritage assets through high quality design and reinforcing local distinctiveness.

Conclusion

21. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR