



Appeal Decision

Site visit made on 18 July 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/X1165/W/23/3316230

Inglewood House, Flat 1, Torwood Gardens Road, Wellwood, Torbay, Torquay, TQ1 1EQ

- 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 Mrs Maggie Newman against the decision of Torbay Council.
 - The application Ref P2022/0935, dated 12 August 2022, was refused by notice dated 23 December 2022.
 - The development proposed is replacement of windows and external doors.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character or appearance of the host building and Lincombes Conservation Area (LCA).

Reasons

3. The appeal site is located within the LCA, a designated heritage asset. The Lincombes Conservation Area Character Appraisal (First Draft 2002) (CA) outlines the essential characteristics of the LCA which includes the predominance of 19th century villas and terraces, many in generous plots and mainly set on steep hillsides and interspersed with dense vegetation. I observed that the significance of the LCA is derived from these essential characteristics as well as the appearance and traditional design features of the buildings.
4. Inglewood House is a large villa, currently converted into 7 flats and is situated within a corner plot at the junction of Torwood Gardens Road and Babbacombe Road. While not a designated heritage asset, the CA identifies the building as one that is a '*key building of architectural importance or which makes a significant contribution to the townscape*' and therefore the Council have identified it as a non-designated heritage asset. I see no reason to disagree, and in combination, the location of the building and its period appearance, ensures that it stands out as being particularly prominent within the street scene, and contributes positively to the significance of the LCA.
5. I note that the appellant submits that the proposed UPVC windows and doors would be of a high-quality design and windows would retain a similar opening style to the existing sash and casement windows. However, the plans indicate that the proposed windows would nevertheless feature noticeably wider frames, particularly within the sash windows where the meeting rail between

the sash stile frames would be wider, and glazing bars fail to successfully replicate the fine detail of the existing timber windows.

6. I note the existence of some replacement UPVC doors and windows at the appeal site and the proposal would retain the original entrance door and fanlight above. However, the retained historic features of this particular building including original timber windows, and its prominent location, mean that the replacement of the existing timber windows with UPVC would appear quite obvious and out of place. The replacement windows in particular would be apparent to anyone observing the building from nearby, as is possible from the surrounding roads, thus clearly detracting from its overall appearance and that of the wider LCA.
7. In coming to this view, I acknowledge that there are a number of other properties within the LCA which do not contain timber windows. I viewed examples of these during my site visit and specific examples have been drawn to my attention by the appellant. However, there are also a number of timber windows within the wider surrounds of the appeal site. I find that the use of UPVC window material is neither a prevailing characteristic of the area nor one which makes a positive contribution to its significance. Therefore, that there are properties within the area with UPVC windows does not weigh in favour of the appeal proposal.
8. The statutory duty in Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. Although it is put to me that Historic England advice states that the designation of a Conservation Area should not be seen as an end in itself and a holistic and proactive approach should be taken in managing change in Conservation Areas, the proposal, for the reasons given above, would have a negative effect on the significance of the LCA. This would result in 'less than substantial' harm. Even so, the National Planning Policy Framework (Framework) states that great weight should be given to the conservation of such assets. In those circumstances, the Framework states that harm should be weighed against the public benefits of the proposal.
10. Furthermore, as the host property is a non-designated heritage asset, paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. I recognise that the existing windows are in various conditions of repair, and a number of benefits have been put to me. These include sustainability and environmental credentials of UPVC windows, increased window life expectancy, window performance in terms of energy and thermal efficiency and associated improvement to the living accommodation, increased safety and practicality of cleaning, and issues with recycling timber at the end of use. I also acknowledge that timber windows may be more expensive and may require more maintenance than UPVC counterparts, and the appellant has sought to maintain a traditional appearance.

12. However, there is nothing before me to indicate that the above stated benefits could not be achieved by using alternative replacement windows that would be less harmful to the host building and to the LCA, or equally that the repair and modification of the existing windows, particularly given the appellant's comments in relation to the issues with recycling timber, could not achieve similar benefits. Consequently, I find that the benefits, public or otherwise, put to me in this case do not outweigh the harm that I have identified.
13. It has also been put to me that UPVC fenestration has successfully been implemented in Conservation Areas throughout the UK, and my attention has been drawn to other appeal decisions¹. The full details of these other cases are not before me, however they appear to differ from the current proposal in several ways.
14. The Inspector in the first case noted the host dwelling was compromised by existing inappropriate window designs and considered that the proposed UPVC windows would not negate the enhancement arising from the proposal as a whole, which included the demolition of an unsympathetic extension, and construction of a more sympathetic replacement. With regards to the second appeal decision cited, the Inspector noted that the appeal site was within a road of mixed character, where a large number of properties had UPVC windows in a variety of modern patterns that did not resemble the originals. I do not consider that to be the case with this proposal, where timber windows continue to make a positive contribution to the LCA. This limits the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
15. Consequently, for the reasons given, the proposed development would fail to preserve or enhance the character or appearance of the host building or LCA. The proposal would be contrary to Policies SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan. These policies seek, amongst other things, for development to respect local character and sustain and enhance buildings which make an important contribution to Torbay's built setting and heritage. The proposal would also conflict with the aims of the Framework, which places great importance on the design of the built environment and on the conservation of heritage assets such as conservation areas.

Other Matters

16. The appeal site is adjacent Torwood Lodge, a Grade II Listed Building. The Council have not raised any concerns in relation to any impact on the listed building or its setting. From my observations and given the spatial relationship and the nature of the proposal, I see no reason to disagree.

Conclusion

17. The proposed development conflicts with the development plan when read as a whole. 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.

S Harrington MA MRTPI INSPECTOR

¹ APP/W0734/20/3255427 & APP/Q1445/D/12/2186692