



Appeal Decision

Site visit made on 18 July 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref: APP/J2210/W/22/3310549

Ground Floor Flat, 64 Mickleburgh Hill, Herne Bay, CT5 6DX

- 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 Michael Crane against the decision of Canterbury City Council.
 - The application Ref CA/22/01803, dated 17 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is replacement windows from timber to UPVC to front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed windows, due to their materials and detailing, on the existing building and the character and appearance of the Herne Bay Conservation Area.

Reasons

3. The appeal property is a ground floor flat in a three-storey terraced house, in a row of nine identically-built properties within the Herne Bay Conservation Area. The terrace is also subject to an Article 4 direction, which seeks to improve the quality of alterations to the front elevation of properties. The exterior of the wider terrace remains largely unaltered and most of the windows within the terrace have retained their original timber windows. The wider context reflects a pattern of development within the Herne Bay Conservation Area characterised by consistent frontages of a similar design.
4. Section 72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The Herne Bay Conservation Area is a designated heritage asset for the purposes of the National Planning Policy Framework (the Framework). Policy in the Framework, including section 16 (Conserving and enhancing the historic environment), is a material consideration of considerable importance.
5. The proposal is for the replacement of the original timber sash windows to the ground floor flat with UPVC windows. It is clear that the appellant has made every effort to find UPVC windows that are of a slim design, using a 35mm meeting rail, as close as possible to the appearance of the existing windows. He points out that the proposed windows would be more energy efficient,

reducing mould and condensation, reduce maintenance costs, reduce the transfer of street noise, and are far less expensive than replacement wooden windows. I accept that many of these points are in favour of the installation of UPVC windows.

6. Standing against that is public policy. As well as the development plan policies mentioned in the refusal notice, paragraph 130 and section 16 of the Framework make clear the government's approach in respect of design and heritage assets. Paragraph 130, in the section 'Achieving well-designed places', as particularly relevant here, makes clear that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
7. Framework section 16 is headed 'Conserving and enhancing the historic environment'. Within this section the following points are made: heritage assets range from sites and buildings of local historic value to those of highest significance and are an irreplaceable resource (paragraph 189); When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199); Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202).
8. Applying these policies to the appeal proposal, the conservation area is of considerable local importance. Within this, the regularity of development generally, and in this terrace in particular, is of significance, with the fenestration being a major feature. To damage the character and details of the windows would clearly harm the character and appearance of the conservation area. In spite of the merits of UPVC windows that the appellant draws to my attention, and even when manufactured close to the form of the original timber windows, there remains a visible difference that is harmful in terms of materials, texture, and the structure of the window itself. In particular there is an obvious difference between a painted timber finish and a vinyl finish. I consider that the proposed UPVC windows would amount to, in the terminology of the Framework, less than substantial harm. This is a level of harm that must be weighed against public benefits.
9. The personal benefits are understandable, but in terms of public benefits I can see that improvements in energy efficiency, when repeated at sufficient scale, may bring such benefits, although there are other methods of improving the energy efficiency of windows. Taken at their best, the public benefits that would arise from the proposal would not outweigh the degree of harm to the character and appearance of the appeal building and of the conservation area.
10. At my site visit I paid attention to the examples of other replacement windows in the area, including those listed in the appeal statement. However, I have no information about the circumstances of these cases, but my inspection did

confirm that the various examples given serve to demonstrate the undesirable and harmful results. With regard to No.52 Mickleburgh Hill, the property at the end of the terrace, the council acknowledges that the replacement UPVC casement windows at ground and first floor level do not have planning permission. That is a matter for the council to consider further, albeit that a consistent approach from a public body should be expected. None of these matters leads me to a different conclusion.

11. I conclude that the replacement of the existing wooden windows with UPVC windows would have a negative impact on the existing building and would fail to preserve or enhance the character or appearance of the on Herne Bay Conservation Area, and therefore would be damaging to the significance of the designated heritage asset. As a result, the proposal conflicts with policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan 2017 and the paragraphs of the National Planning Policy Framework that I have referred to above.

Conclusions

12. For these reasons, having taken account of all matters raised, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR