



Appeal Decision

Site visit made on 25 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/D1265/W/22/3300177

1 & 2 Daler Court, East Street, Wareham BH20 4JW

- 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 Polar Glaze Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2021/04965, dated 13 November 2021, was refused by notice dated 14 March 2022.
 - The development proposed is described as: 'install replacement windows and doors'.
-

Decision

1. The appeal is allowed and planning permission is granted for the development described as 'install replacement windows and doors', at 1& 2 Daler Court, East Street, Wareham BH20 4JW, in accordance with the terms of application, Ref P/FUL/2021/04965, dated 13 November 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 6035-20-1; 6035-20-01; 6035-20-02 and 1:1250 location plan.

Preliminary Matter

2. The appeal site is located within the Wareham Conservation Area (WCA). I have therefore attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

3. The main issue is whether the proposed windows and doors would preserve or enhance the character or appearance of the WCA.

Reasons

4. The appeal site is a detached two storey residential property fronting East Street. It forms, along with the two storey buildings to its rear, a re-development of a former factory and offices, consented during the 1990s.
5. The WCA covers a large part of Wareham, encompassing its town centre and the residential streets that radiate from it. The rich mix of Georgian period buildings that line the town's primary streets, are ornately detailed and largely finished in traditional materials. A large proportion of the buildings fronting

East, West, North and South Streets have traditional timber sash windows that are slim in form and elegant in appearance. These are complemented by timber doors.

6. The appeal site is a pastiche building, constructed in recent times, and its architectural form, massing and some of its external detailing (e.g. timber doors and sash windows) are consistent with the more historic buildings in the WCA. However, there are buildings either side (Nos 41 and 45 East Street), to the rear (Nos 3-12 Daler Court) and opposite (Nos 38, 46-50 East Street and Knightstone Court) the appeal site that contain upvc windows and doors, that contrast with the timber materials and finishes more prevalent to the east of the appeal building and closer to the town centre. Therefore, in so far as it relates to this appeal site and its immediate surroundings, the WCA derives some of its significance from the aesthetic value and historic appearance of its architecture.
7. The WCA Approval Document (the WCAAD) indicates that plastic windows can have a negative effect, particularly as a result of the slow incursion into unlisted buildings within the conservation area. The Purbeck Design Guide SPD (2014 (the SPD) states that timber will usually be more sympathetic than plastic. That said it does not rule out the use of plastic windows, but schemes should ensure that new windows and doors are consistent in architectural style, particularly if these form a repeated feature on adjoining or neighbouring properties. Additionally, slimline units offer the potential for light weight designs that can be more complementary to the visual character of conservation areas.
8. It is proposed to replace most of the existing timber sash windows with upvc windows. These would be double hung and vertical in shape to match the profile of many others in the WCA, whether timber or plastic. The window casements and central mullion would have a slender profile that would be sympathetic to the appeal building's simple form and detailing. Although the plastic material would give the windows a somewhat artificial finish, in contrast to the existing situation and timber windows found elsewhere in the WCA, they would not appear chunky or heavy in profile, while their recessed position within the window reveals would not be overly conspicuous from the street. The doors proposed on the front and side elevation would incorporate traditionally designed panels that would be consistent in appearance with others located elsewhere in the WCA. Therefore, although the windows and doors would have a plastic construction, they would have a design and shape that would be appropriate for the building and surrounding area.
9. I acknowledge that plastic windows can have a negative effect, especially where they relate to, or are seen in context with, buildings that incorporate, more traditional materials and craftsmanship. They can also appear harsh when combined with older external finishes that have weathered gracefully as a building has aged. Yet in this case, many buildings nearby incorporate plastic windows and doors. The new windows and doors on the appeal building would have the effect of being contained within the cluster of properties to the rear, sides and opposite, that incorporate plastic windows and doors. This would ensure, that the proposal responds to, and integrates with its surroundings, rather than being seen to creep into the outlying-built frontages where the use of timber windows and doors is more prevalent and concentrated. On this basis, the proposal would not be seen to impair the significance of the WAC.

10. Overall, the proposed windows and doors make no positive contribution or enhancement to the WCA, but nonetheless they do not harm its special character. They therefore have a neutral effect upon the WCA. Consequently, they would preserve the character and appearance of the WCA and accord with the provisions of Policies D: Design and LHH: Landscape, historic environment and heritage of the Purbeck Local Plan 2012; Policy LDP1: Design of new developments within Wareham Conservation Area of the Wareham Neighbourhood Plan and the SPD. These require, amongst other considerations, that proposals positively respond and integrate with their surroundings and preserve the appearance and character of heritage assets. The proposal also complies with the guidance at paragraphs 195, 197, 199 and 206 of the National Planning Policy Framework (the Framework) where they relate to the significance and preservation of heritage assets.
11. Paragraphs 200, 201 and 202 of the Framework, provides guidance for when assessing harm. As I have found no harm in this instance, their consideration has not been required in my assessment of the case.

Other Matters

12. The Council has referred to two appeal cases at Swanage and Wimborne where it successfully defended the harmful effects of upvc windows. However, I do not have the full details of those cases, and whether the shape and design of the windows were like the case before me. Furthermore, I cannot be certain that the conservation areas and the context in which those other cases were assessed share similarities with the appeal scheme. Accordingly, I have given those examples limited weight.
13. The Council have referred to listed buildings located nearby, however, they have not indicated in their refusal notice that their settings would be harmed by the proposal. On this basis and given the modest nature and scale of the proposed changes, I have no reason to judge that the setting of those buildings would be harmed.

Conditions

14. In addition to the standard time limit condition, I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

RE Jones

INSPECTOR