The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/X3540/D/23/3321883

409 London Road South, Lowestoft, NR33 0BJ

- 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 Madeleine Willis against the decision of East Suffolk Council.
- The application Ref. DC/23/0067/FUL, dated 6 January 2023, was refused by notice dated 4 April 2023.
- The development proposed is to change front windows.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the dwelling and the South Lowestoft Conservation Area.

Reasons

3. The appeal property is a mid-terrace late nineteenth century house in the South Lowestoft Conservation Area. It is typical of many of the terraced houses within this and surrounding streets, and as a result of repeated house styles and architectural features, they appear cohesive and make a positive contribution to the character of this part of the Conservation Area. Within the vicinity there are some modern buildings, but the prevailing character is created by the more traditional properties.

4. The existing front windows to the appeal property are timber sliding sashes, although there is disagreement between the parties as to whether the first-floor windows are original. In dismissing a previous appeal to replace front windows[1], the Inspector did not disagree with the Council's view that the first-floor windows were original, noting that they complemented in form and detail the style and period of the building and had a strong similarity to other timber sash windows used within nearby properties. The Council's current report indicates that a 2016 planning permission at the appeal property was to replace the ground floor windows with wooden alternatives and to refurbish, rather than to replace, the first-floor windows. Whether refurbished or replaced, the front windows at the appeal site are not dissimilar in their

[1] APP/T3535/D/15/3035857 - replace windows to front of property – dismissed 20 August 2015.

proportions and detailing to other timber examples in the vicinity, and complement the building.

5. It was evident at the appeal site visit that the fenestration of dwellings in the area has altered over the years, with some having what appear to be original timber sashes whereas others have been replaced with manmade materials. In some cases, sliding sashes have been lost to top-hung casements. However, it was also evident that some alterations have been more successful than others, and the less sensitive alterations do not positively contribute to the character and appearance of the buildings to which they relate or the conservation area.

6. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. An Article 4 Direction which came into force in 2007 removes Permitted Development rights for works affecting the front elevation of the property. The appellant has drawn attention to a number of examples of non-timber windows in the vicinity, but for the majority no planning permission has been identified, and therefore it is unclear whether or not they were installed before the Direction took effect. Of the planning permissions cited, some pre-date the Direction, and all predate the adoption of the Waveney Local Plan 2019 (LP) and the supporting East Suffolk Council 'Historic Environment' Supplementary Planning Document 2021 (SPD).

7. LP Policy WLP8.39 advises that proposals for replacement windows in conservation areas where Article 4 Directions are in place must be of a suitable design and constructed in appropriate materials. SPD Paragraph 10.7 confirms that uPVC windows may be supported on buildings in conservation areas, when a window does not face onto a public thoroughfare so does not impact upon the appearance of the conservation area. It is unclear if this was a requirement at the time that the other planning permissions were granted, but the Council's report advises that over the last 10 years, the installation of uPVC windows has been supported where the replacement would be an improvement to the appearance of the conservation area, usually on the basis that the previous windows installed were not of an appropriate design. This is not the case at the appeal property.

8. I am mindful of the purposes of replacing the windows, although the evidence supplied of the window conditions is limited and does not show that they are beyond practical repair; nor that the current windows do not allow for safe escape, or that safety locks cannot be fitted. In their current condition, the existing windows do not detract from the appearance of the building, although I appreciate that they may adversely impact upon its thermal efficiency and potential to cause damp. The appellant advises that it has not been possible to source a local carpenter with the skills to make an authentic looking Victorian window in timber, but as the proposed uPVC windows would not be made locally I am not convinced that a timber window of consistent quality could not be found.

9. Attention has been drawn to uPVC sash windows at the attached property, No.407. Although installed with planning permission, no information has been given of the reasoning behind that decision, and whether they replaced timber sash windows. I note the appellant's view that similar windows would be indistinguishable from the original windows when viewed from the path, but I do not consider that the submitted details indicate replacements with the same

proportions of a traditional sliding sash appropriate to the building. The specification refers to a range of Georgian and Astragal bars, but no specific details have been provided, or whether they are integral or externally applied. As submitted, I consider that the replacements are likely to appear quite different from the existing narrow framed windows with slender glazing bars.

10. Furthermore, viewed from the path in front of the houses in London Road South, it is apparent which windows are timber and which are manmade, regardless of their quality; the grain and texture of natural timber are not apparent in the uPVC examples, and from the specification provided I cannot be sure that the replacement windows would not have the flatter, machine-made surface of plastic. The retention of the existing cills and recessed position of the windows would not mitigate the change in material.

11. The appellant has drawn attention to a modern development built in Kirkley Cliff Road, also within the conservation area. A planning permission has been identified but no details of the justification for the development. Nevertheless, the construction of a modern building would not have involved the replacement of windows in an older property, and therefore is not directly comparable to this proposal.

12. I therefore conclude that the proposal would not preserve or enhance the character or appearance of the appeal property or the conservation area, contrary to LP Policy WLP8.39, which requires development within such areas to be of a particularly high standard of design and materials, and to LP Policy WLP8.29, which amongst other criteria requires high quality development which demonstrates a clear understanding of the form and character of the built and historic environment, and responds to local context by making use of materials and detailing appropriate to the local vernacular.

13. In the context of paragraph 202 of the National Planning Policy Framework (the Framework), I consider that the proposal would lead to less than substantial harm to the significance of the South Lowestoft Conservation Area. Nevertheless, the Framework requires this harm to be weighed against the public benefits. More thermally-efficient windows that would reduce energy loss and damp would contribute to the environmental benefit of mitigating and adapting to climate change. This is a public benefit of some weight, but as improvements could be secured using more sympathetic materials, this would not outweigh the identified harm.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR