



Appeal Decision

Site visit made on 5 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/J4525/W/23/3324381

1-4 Ashbrooke Mews, Ashbrooke Terrace, Sunderland SR2 7HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by A M Residents against the decision of Sunderland City Council.
 - The application Ref 23/00791/FUL, dated 20 March 2023, was refused by notice dated 24 May 2023.
 - The development proposed is described as, *'the installation of 'A' rated PVCu heritage style frames and double glazing to be installed across the front elevation to match the already existing PVCu frames to the rear and gable elevation. See building survey and heritage statement'*.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed development would preserve or enhance the character or appearance of the Ashbrooke Conservation Area (CA).

Reasons

3. The appeal property is a large three storey Victorian property which is understood to have originally formed part of a terrace of three houses although these have since been converted into apartment buildings. The property is set back from the footpath and main road behind a mid-height wall and railings within a gated community. It occupies a prominent position on the corner where Ashbrook Road meets Mowbray Road and despite its set back position, it is highly visible from public vantage points particularly from approaches along Ashbrook Road.
4. The site falls within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Moreover, the National Planning Policy Framework (the Framework) advises that great weight must be given to the conservation of designated heritage assets and any harm which is less than substantial should be weighed against the public benefits of the proposal.
5. The significance of the CA is derived from its architectural and historic interest and the Ashbrooke Conservation Area Character Study (ACACS) explains that it is a spacious, leafy suburb that contains many examples of Victorian terraced housing punctuated by fine church architecture and adjoining historic parks. It goes on to explain that the fundamental character of the CA is its extensive concentration of attractive Victorian terraced housing. Ashbrooke's integrity as

- a fine Victorian suburb is said to be increasingly under threat for a number of reasons including poor levels of maintenance and an insensitive approach to carrying out repair/alteration work which are a regular occurrence, leading to the loss of important features.
6. The proposed development seeks to replace the existing timber sliding sash windows across the front elevation with PVCu heritage style frames and double glazing.
 7. The ACACS provides guidelines for external repair and alteration work explaining that existing windows and external doors should be retained and carefully repaired wherever possible. If replacement is unavoidable, new windows should be accurate replicas to the original design, in both pattern and detail. It specifically explains that PVC frames will fail to do this.
 8. The front elevation of the appeal property covers a great distance and comprises traditional red brick with large bays, sliding sash timber framed windows, timber panelled doors with fanlight above and decorative features. There are also a number of arched dormers in the roof slope and access to the main front doors are largely marked by stairs and railings reminiscent of those higher status buildings. The overall consistency in materials and detailing of the property give it a strong historic identity and coherent appearance and thus makes a positive contribution to the character and appearance of the CA.
 9. I have had regard to the appellants claims that the properties were built as upper middle class dwelling houses but are now apartments with many of the owners being less affluent than those who had originally lived in the large, terraced houses and are no longer 'grand' terraces. However, the features as set out above including the timber framing of the sash windows are still key identifiable features of this property which contribute to its heritage significance.
 10. The proposed development would replace the existing timber windows on the front elevation with 'A' rated PVCu heritage style frames and I have had due regard to the specific materials and measurements as set out which indicates details to replicate the existing windows. I also note the appellants commitment to retain the heritage Victorian style of the windows. However, I cannot agree that the proposed development would have the same design. Such a replacement of similar modern materials would not truly be an accurate replica to the original design particularly the finish and fine detailing. The property exhibits a strong aspect of its original character, and the proposed development would remove such important and historical features which make up this. Consequently, this would fail to harmonise with the traditional character of the building, diminishing its overall character and contribution to the CA.
 11. Although there are many examples of PVCu windows in the immediate vicinity of the site including Ashbrooke Hall and No. 1 Ashbrook Road and the property in question also comprises PVCu within the rear and gable elevation. It is those of timber construction more visible within the street scene such as the front elevation of the appeal property that harmonise with the traditional character of the building and surrounding area contributing positively to the locality. From my observations onsite, I found that the presence of PVCu particularly on similar Victorian properties to be very noticeable and I am unaware of the planning history associated with these. In any event, the presence of other

PVCu windows would not justify further development which would harm the character and appearance of the CA.

12. For the reasons given above, I conclude that the proposed development would fail to preserve the character or appearance of the CA. Given the nature of the proposals, the harm would be localised and would therefore be less than substantial within the meaning of the Framework. Paragraph 202 of the Framework explains that 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.
13. I recognise that the replacement is necessary due to the age, condition, safety, function and thermal performance and I have considered the findings of the Condition Report and Asset Management plan which concludes that there is no economic argument for overhauling the existing windows. The need to improve energy efficiency, reduce heat loss and eliminate mass condensation and draughts is not disputed and I note the comments made in relation to affordability, maintenance and access issues as well as the visual appearance of the property including other similar properties and its wider effect on the area. I also acknowledge matters relating to the liveability of the flats and current standards. Nevertheless, there is no evidence before me to suggest that such matters could not be achieved by a scheme that would be less harmful to the CA. The benefits associated with the scheme are likely to be of benefit to the occupiers by increasing energy efficiency within the building along with other matters as already highlighted. Overall, it has not been demonstrated that there are sufficient public benefits to outweigh the less than substantial harm to the CA that I have identified which I have attached great weight given the CA's conservation advised by the Framework.
14. The proposed development would therefore be contrary to Policies BH1, BH7, and BH8 of the Sunderland City Council Core Strategy and Development Plan 2015-2033, 2020 which together, amongst other matters, requires development to preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance, and their setting. For the same reasons, the development would also conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 202 of the Framework.

Other Matters

15. The property is not built on a high-risk development area, at risk of flooding or within an area where Randon gasses pose a hazard to health. There are also no landfill sites nearby and there would be no change to the footprint of the building. However, such matters are a neutral factor neither weighing for or against development.

Conclusion

16. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR