



Appeal Decision

Site visit made on 22 August 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2023

Appeal Ref: APP/X1165/W/23/3318835

12 St Andrews Road, Paignton TQ4 6HA

- 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 & Mrs M Soby of Ocean Bay against the decision of Torbay Council.
 - The application Ref P/2022/1264, dated 16 November 2022, was refused by notice dated 26 January 2023.
 - The development proposed is change of existing windows W1 – W6 to slimline uPVC sash.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal refers to the impact on a conservation area and the setting of a listed building. I am mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have considered the appeal accordingly.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character, appearance and significance of the Roundham and Paignton Harbour Conservation Area, and the setting of the Grade II listed 'Bay Church' (listed as Parish Church of St Andrew).

Reasons

4. 12 St Andrews Road is a semi-detached property in Paignton that is located towards the top of the sloping street. The property is split into apartments, and it is understood that the appellants live on site as well. It dates from the late 19th/early 20th Century. It is within the Roundham and Paignton Harbour Conservation Area (CA), which derives its significance from the historic and architectural interest from its historic harbour and headland and Victorian suburban development. As identified in the Roundham & Paignton Harbour Conservation Area Character Appraisal, the appeal property makes an important contribution as part of a group of buildings with similar character of frontage detail and architectural importance to the significance of the townscape.
5. The appellant seeks to replace the timber sash windows in the front elevation, labelled W1 – W4 on the submitted plans, with uPVC units. The sash windows are in four apertures within the front elevation, including in a two-storey bay

- projection. It is also proposed to replace windows W5 and W6, which appear to be existing top hung uPVC windows, with uPVC sash windows.
6. The Character Appraisal confirms that many buildings still retain original timber or ironwork to doors and windows, but it acknowledges that many of these features are being lost to uPVC replacements. The appraisal states that these are very unsatisfactory in appearance and asserts that they are not suited to period dwellings. I observed that the general rhythm and harmony of the related group of properties within St Andrews Road prevails despite some variation to the render colour palette and loss of some original features, which includes the presence of uPVC replacement windows to the dormer window and gable end window in the front elevation, and uPVC windows within the side elevation, of the existing building.
 7. The same manner of opening would be retained as part of the works in relation to windows W1 – W4. However, the submitted plans provide limited measurements of the individual elements of the existing and proposed windows. I have therefore compared the drawings as shown on the plans to the existing windows in situ. There appears to be notable differences in the proportions of various elements of the windows. It is stated on the plans that the windows would be fitted with slimline double glazing. However, the glazing section on the plans shows a glazing thickness that would not be regarded as slimline double glazing. It would therefore not be a suitable replacement for traditional single glazing. In reaching that view, I observed the existing incongruity of the uPVC windows in the appeal property, and those close by, including at the neighbouring No 14. It follows that I consider that the use of bulky and inelegant replacement uPVC windows in terms of frame and/or glazing proportions would draw undue attention as incompatible features and further erode the character of the building when viewed in the context of the surrounding group of properties. Additionally, the introduction of external trickle vents on the proposed windows would result in it being overtly noticeable that the windows are made from uPVC.
 8. The replacement of windows W1 – W4 with the uPVC windows detailed on the submitted plans would be apparent to anyone observing the building from the public road, and would therefore fail to preserve or enhance the character or appearance of the CA.
 9. In terms of windows W5 and W6, the replacement of the existing top hung casement windows with sash windows would be an improvement in respect of the style only, when taking into account that they appear to already be uPVC. However, the areas of concern raised in relation to windows W1 – W4 also apply to these proposed windows. Overall, the proposed replacements for windows W5 and W6 would also not preserve or enhance the character or appearance of the CA.
 10. The appellants have drawn my attention to other uPVC windows that have been installed in properties on St Andrews Road, including the adjoining property. Additionally, the appeal property has existing uPVC windows. However, I have not been provided with information on the planning circumstances that led to the installation of those uPVC windows. Furthermore, the appellants also state that two specific properties, 5 and 9 St Andrews Road, have benefited from planning permission for uPVC windows. Again, no information has been provided to explain the background and context to the decisions that were

made to allow those windows. In any case, the presence of the other existing windows does not justify a further erosion of the character of the group of buildings, and I have necessarily determined the proposal on its own merits based on the evidence before me.

11. I consider that the harm that would be caused to the CA would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) states 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.
12. I observed on site that the existing timber windows require repairing as there are areas of rot and I also saw that damp has entered parts of the interior of the building. The appellants have also stated that some of the windows do not open, and this means that there is a lack of ventilation and inadequate means of escape during emergencies. The appellants submit that the benefits of the proposal are the improvements of the building's energy efficiency, their health through proper ventilation and safety by allowing a means of escape.
13. Whilst I acknowledge that new timber windows can be expensive, there is limited evidence before me that demonstrates that these benefits cannot be achieved through the installation of replacement units that would be less harmful to the character and appearance of the CA. There is also limited evidence demonstrating that the windows are incapable of being repaired to achieve the above benefits. As such, I find that the benefits set out by the appellants, whether they are public or private benefits, would not outweigh the less than substantial harm I have identified.
14. The Council's reason for refusal also includes the impact on the Grade II listed Parish Church of St Andrew, which is located at the bottom of the street. The church dates from the late 19th Century with the west end completed in the early 20th Century. It is in a Free French Gothic style with Arts and Crafts details. It has a characterful and historically important presence at the entrance to the street.
15. I note that the appeal site is located a considerable distance from the Grade II listed building and is on the same side of the road as the site. I also observed that there are trees on that side of the road that visually obscure the appeal property when stood near to the church. The site is difficult to see from the grounds of the listed church due to the distance and the trees along the road. Additionally, there is a lack of intervisibility between the appeal site and the listed building. I therefore find that the proposal would not materially impact on the setting of the Grade II listed building or its significance.
16. For the above reasons, whilst the proposal would not materially impact on the setting of the Grade II listed church, it would fail to preserve or enhance the character, appearance or significance of the Roundham and Paignton Harbour Conservation Area and therefore conflicts with Policies SS10 and DE1 of the Torbay Local Plan (TLP) and Policy PNP1(c) of the Paignton Neighbourhood Plan (PNP), which collectively seek, in part, for development to respect local character and sustain and enhance buildings that 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.

17. The Council's reason for refusal includes reference to Policy DE3 of the TLP. However, the policy relates to protecting residential amenity and is therefore not relevant to the issues being considered through this appeal.
18. Policy PNP1(e) of the PNP is also mentioned in the reason for refusal. The policy relates to new commercial development. Whilst part of the property is run in a commercial capacity, the proposal is not for the provision of new commercial development. As such, I consider that Policy PNP1(e) is not relevant to the development in this case.

Conclusion

19. For the above reasons, and having regard to all other matters raised, whilst the proposed development would not materially impact on the setting of the Grade II listed church, it would fail to preserve or enhance the character or appearance of the Conservation Area and therefore conflicts with the development plan, when taken as a whole, and the Framework. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR