



Appeal Decision

Site visit made on 17 October 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023.

Appeal Ref: APP/X2220/W/23/3315597

Flat 4, 2-3 Belgrave Court, The Beach, Walmer CT14 7HE

- 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 Williams against the decision of Dover District Council.
 - The application Ref 22/00674, dated 14 May 2022, was refused by notice dated 14 November 2022.
 - The development proposed is installation of 3 No. replacement windows.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Mr Williams against Dover District Council. This application is the subject of a separate decision.

Preliminary matters

3. The application form described the proposed development as "3 replacement windows to property -2 to the front 1 to the rear". The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issue

4. The main issue in this case is the effect that the appeal proposals would have on the character and appearance of the Walmer Seafront Conservation Area.

Reasons

5. The appeal building is one of a pair of mid-terrace houses, having near identical front elevations, but handed. They have 3 principal floors plus basement and attic. The appeal building has been divided into flats, the appeal relating to flat 4 which occupies the third floor. Next to this pair of houses to the north is another pair of houses of similar height and features that terminate the terrace and turn the corner via a short length of highway connecting to the A258. These 4 houses are grand and elegant in appearance and make a substantial contribution to the character and appearance of the Walmer Seafront Conservation Area within which they are located. To the south, the terrace continues in a similar architectural style, albeit on a smaller scale and less imposing, of 3 stories plus basement. The terrace faces the sea across the road to a wide grass verge, the promenade and the beach.

6. The appeal building has, as the main feature of the front elevation, a bay at basement level rising to the second floor, with sliding sash windows set under cambered heads. Above this, at flat 4 level, the façade is basically flat, but has a relatively narrow box window extending centrally over the bay below. The box window has side hung casements, the 3 sides of which are proposed to be replaced as part of the appeal proposal. Alongside the bay is a front door at ground level, above which are single windows at second and third floor levels. These are sliding sash windows under cambered heads. The window at third-floor level is also proposed to be replaced as part of the appeal proposals.
7. There is a third window in the appeal proposal, that is set in the rear elevation. This elevation faces the A258 and is of little importance in terms of its effect on the appearance of the appeal building or the conservation area. The council do not consider this proposed replacement window to a bathroom to cause harm; I agree with this assessment, and I will say no more about it.
8. I will deal with the windows on the front elevation in turn, starting with those in the projecting box window. This window is somewhat at odds with the bay below, but is echoed on the adjoining house to the south, albeit that the window on that house includes top-hung opening casements. The box window in Flat 4 is in poor condition, but is traditionally crafted with slender moulded glazing bars. The proposed replacements are of timber construction with the 12 light lower casements being fixed and the upper 2 being top-hung opening – which would of course echo the neighbouring windows. Since the lower casements are proposed to be fitted with single double glazed units, in place of 8 panes of plain glass in the lower part, the ‘glazing bars’ are in part internal, and in part applied to the outer surfaces. These give the appearance of traditional constructed windows, except on close inspection. However, at the distance they would be seen from the ground level public areas, I consider that this form of construction would be acceptable, taking into account the advantage of the insulation provided by the double glazing.
9. Whilst the top hung opening elements would be similar to those on the next door house, as can be seen on that building the much thicker bottom rail, which is not flush with the top bar of the lower window, is much less elegant than the existing window in Flat 4. The slimmer glazing bars of a window that is totally in the form of side hung casements would be much more in keeping with the host building, and the shortcomings of the top hung windows would be very much apparent in the public view. I consider that, unlike the planted on glazing bars, these details make this proposed window unacceptable. Furthermore, I cannot see that this window could not be supplied as side hung casements, without the upper opening elements, with the same benefits over traditional single glazed windows.
10. Turning to the single side window, this is proposed to be in the form of a sliding sash, as is the existing. However, the proposed window has shortcomings in terms of its appearance. Of considerable significance is the fact that it does not have the cambered head that is important in view of the window opening in the wall with its moulded surrounds. It is one of the features that gives elegance to the window. Furthermore, as far as can be ascertained from the drawings, which are not sufficiently detailed, the individual members of the construction are larger than the existing and the horns look large and do not match those in existing window. Overall, the elegance which helps to make this building so

attractive would be harmed by the insertion of the proposed replacement, and this would be apparent from public vantage points.

11. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *"In the exercise, with respect to any buildings or other land in a conservation area, of any [functions], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. For the reasons that I have set out above, the proposed replacement windows on the front elevation of the building would be harmful to the appearance of the building. The proposal would therefore fail to preserve the special interest of the conservation area to which I am required to pay special attention. I conclude that the proposals would fail to preserve or enhance the character or appearance of the Walmer Seafront Conservation Area.
12. The harm would affect a small part of the conservation area and would amount to less than substantial, as defined by the National Planning Policy Framework (the Framework) at Paragraph 199. Paragraph 202 of the Framework goes on to say *"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 appreciate that the proposal would support the upgrade of the accommodation which would help to secure the longer-term maintenance of this prominent building, and there would be a reduction in environmental impact. These amount to public benefits, but those same benefits could be achieved by selecting windows that would maintain the attractive appearance of the appeal building.
14. I have also noted that there are examples of modern windows in the immediate vicinity, as cited by the Appellant which he considers provide justification for the appeal scheme. I have no information about the circumstances surrounding their installation, but they do not provide justification for the harm that I have found.
15. For the reasons that I have set out, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR