



Appeal Decision

Site visit made on 14 November 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2023

Appeal Ref: APP/J2210/W/23/3322545

Ground Floor Flat, 42 South Road, Herne Bay, Kent CT6 5AT

- 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 A Richardson against the decision of Canterbury City Council.
 - The application Ref CA/23/00495, dated 16 March 2023, was refused by notice dated 11 May 2023.
 - The development proposed is described as replacement uPVC windows to the bay.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section E of the appeal form provides a different description of development to that in the application form, albeit it indicates that the description has not changed. For the avoidance of doubt, I have used the description of development provided in the application form in the banner heading above.
3. The Council has referred to a policy within the Canterbury District Draft Local Plan to 2045. The timetable contained within the draft plan anticipates that it would be submitted for examination in autumn 2023. At the current time it does not form part of the statutory development plan and I have not been made aware as to whether there are any unresolved objections in relation to the cited policy. I therefore attach limited weight to this policy in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and local area, bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Herne Bay Conservation Area (CA).

Reasons

5. The appeal site lies within the part of Herne Bay CA where Victorian and Edwardian development expanded the town centre. South Road, in the site's vicinity, is formed by rows of terraces which exhibit features that are consistent with historic mass housing, including bay windows, timber sash windows with horned rims, exposed brickwork and walled frontages. The dwellings on this stretch of South Road retain many of their original features, and this general consistency in terms of appearance positively contributes to the significance of the CA.
6. The appeal site is a ground floor flat within a mid-terrace property that has timber sash windows with horned rims, which are typical of the traditional

design and appearance of the windows for this period. As such, the site makes an important contribution to the significance of the CA.

7. The proposal seeks to replace the existing timber framed windows in the front bay with uPVC windows. The proposed windows would have a chunkier uPVC frame compared to the existing frames, which are more slender. The vinyl finish would be markedly at odds with the painted timber finish in terms of appearance and texture. The openings would also not be a good match, as the traditional sliding sash would be replaced with top hung casement windows. The horned rims would be lost, as the replacement windows would not comprise this detail. For these reasons, the proposed windows would diminish the quality of the appearance of the building, which in turn would reduce the contribution it makes to the significance of the CA.
8. During my site visit it became apparent that there are still many properties in the vicinity that include timber framed windows with horned rims, which positively influences the design and general aesthetic of the area. Although there are uPVC windows in the properties nearby, these do in many instances detract from the character and appearance of the CA. Some examples are more evident than others, but a detracting factor in a CA, to my mind, is not a justification to allow further harm to the CA.
9. My attention is drawn to other properties along South Road, where planning permission has been granted for uPVC windows. However, I have very limited information in relation to these planning permissions, with no specific details of the circumstances and considerations that led to their approval. As such, I cannot make any useful comparison between the proposal and these schemes.
10. For the above reasons, the proposal would lead to less than substantial harm to the CA. The National Planning Policy Framework (the Framework) advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appellant puts forward that the proposal would improve energy efficiency within the property and would reduce carbon emissions. In my site visit I observed that a window has failed, so the proposal would improve security as well. However, these public benefits would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
12. Thus, overall, I conclude that the proposed development would harm the character and appearance of the host building and local area, and it would fail to preserve the character or appearance of the Herne Bay CA. Therefore, the proposal would be contrary to Policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan 2017. Collectively, these policies seek to promote development with high quality design that is compatible with the character of the original building in terms of materials, protect the historic environment and conserve or enhance the conservation areas. Furthermore, the proposal would be contrary to the Framework, where it seeks to conserve and enhance the historic environment.

Conclusion

13. Overall, I conclude that the development would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR