



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: 9 January 2024

Appeal Ref: APP/J2210/W/23/3317896

92 Island Wall, Whitstable, Kent CT5 1EL

- 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 Claire Manning against the decision of Canterbury City Council.
 - The application Ref CA/22/02323, dated 1 November 2022, was refused by notice dated 19 December 2022.
 - The development proposed is described as the proposed replacement windows within front bay.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal refers to the Herne Bay Conservation Area, however it is clear from the information before me that the site is located within the Whitstable Town Conservation Area (CA). For the avoidance of doubt, I have determined the appeal on this basis.
3. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Whitstable Town CA.

Reasons

5. Island Wall is a part of the Whitstable Town CA, the significance of which derives in part from the relationship of the settlement to coastline with many buildings retaining their original features. Island Wall is formed mostly by terraces, many of which have bay windows. Although there are buildings in the area that have uPVC windows, there is a prevalence of wooden material in the windows which makes a positive contribution to the aesthetic of the CA. The road has an attractive appearance, and some buildings have a maritime character, deriving from their materials.
6. The appeal site is a ground floor flat within an end of terrace property which contains, on its front elevation, a ground floor timber framed bay window. The first floor flat has timber framed sash windows to the front elevation. The

windows form an integral part of the design of the building and contribute to its visual interest. As such, the appeal 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 of a similar format. Whereas the frame size and detailing would be similar to the existing sash windows, the uPVC material would be noticeably different to the timber framed windows present on the first floor front elevation. The smooth, flat surface of uPVC windows would lack the texture of the grain and painted finish of wood. The contrast of the proposed window materials with the texture and finish of the upper floor windows on the front elevation would be notable in the street scene. The introduction of uPVC materials, with the drawbacks set out, would have negative effect on the CA's significance resulting in harm to the character of the building and the CA as a whole.
8. During my site visit I noted that whilst some of the properties facing Island Wall have unsympathetic replacement windows, many properties include wooden sliding sash windows and these windows notably contribute to the CA's character and appearance.
9. My attention is drawn to other planning permissions for uPVC windows in nearby properties. However, the planning application at No 105 Island Wall sought to replace previous multi-pane windows that had a poor relationship with the age and character of their host property. The application at No 115 Island Wall comprised replacing all windows in the front elevation. No 5 Cushings Walk is a more modern development than the appeal site. The Officer report pertaining to the planning permission granted at No 114 Island Wall (No 114) is not clear in setting out why the replacement windows at this property were considered acceptable. Nevertheless, No 114 is set back from the road and given this property's front boundary treatment, the windows have a more limited presence in the street scene. On this basis, I find that these permissions would not justify the appeal proposal.
10. Replacement windows have been allowed at appeal on No 60 Island Wall (No 60). However, it appears that the scheme at No 60 sought to replace the ground and first floor windows. As such, this proposal resulted in a building with similar windows across the front elevation.
11. The existing uPVC windows are set in the side and rear elevations of the appeal property where the contrast between timber and uPVC materials is not apparent and where their presence is more limited in the street scene. These other windows do not alter my concern about the harmful contrast between the existing first floor and proposed ground floor window materials and the detrimental effect of the proposal on the street scene.
12. The appellant points out that there is no policy which prohibits replacement uPVC windows. However, the policy position before me does require new development in a CA to respect its surroundings in terms of choice of materials, which for the reasons set out above this scheme fails to achieve.
13. In terms of the Framework, the proposal would lead to less than substantial harm to the CA. 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.

14. In part the appellant seeks to rely on the poor condition of the existing windows as justification for replacing them, but there is little before me to suggest that they are beyond repair. I give this factor limited weight. The proposed windows would improve safety, the building insulation, be more beneficial in terms of u-values and require less maintenance when compared with timber windows. However, there is little evidence to show that similar benefits could not be achieved with timber windows and these matters are insufficient to outweigh the great weight that I must attach to the harm I have identified to the designated heritage asset. Consequently, the proposal would be contrary to the Framework.
15. Thus, overall, the proposal would fail to preserve the character or appearance of the Whitstable Town CA. Accordingly, the proposal would not satisfy the requirements of the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, 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.

Other Matters

16. Reference is made to a joint application with the flat above to replace the front windows across both residential units. However, such a scheme is not before me and I have to consider the proposal on its own merits.

Conclusion

17. Overall, I conclude that the proposal 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