



Appeal Decision

Site visit made on 28 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/X3540/D/23/3330529

401 London Road South, Lowestoft, NR33 0BJ

- 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 Ms Meryl Coull against the decision of East Suffolk Council.
 - The application Ref DC/23/2318/FUL, dated 26 May 2023, was refused by notice dated 4 September 2023.
 - The development proposed is replacement windows, alter front boundary wall and new tiled pathway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposed alteration of the front boundary wall and new tiled pathway are found acceptable by the council (subject to the choice of tile), and I see no reason to disagree. Therefore the single main issue in this case is the effect of the proposed replacement of timber sash windows with uPVC windows on the character and the appearance of the dwelling and the conservation area.

Reasons

Site Description

3. The appeal site is a two and a half storey mid-terrace dwelling located within the South Lowestoft Conservation Area. The principal feature of the front elevation is a 2-storey bay above which is a gable set into the slated roof with a single central window. To the left is the front door, above which is a single window at first-floor, and a gabled dormer window containing 2 sash windows. It appears that it is only the right-hand half of this dormer that is part of the appeal property. All the windows in this front elevation are traditional timber sliding sashes.
4. London Road South is a historic turnpike road into the town, which runs parallel to the seafront. London Road South is lined with mostly 19th century terrace houses. The Conservation Area is covered by an Article 4 direction which removes permitted development rights for alterations to the front of dwellings. Along London Road South there are properties of varying styles and ages with a mixture of window forms and materials.

Planning policy

5. Policy WLP8.39 of East Suffolk Council's Waveney Local Plan (March 2019) states that any alterations "*should preserve or enhance the character of the conservation area*"; and "*proposals for windows... where an Article 4 direction is in place should be of a suitable design and constructed in appropriate materials*".
6. The Historic Environment Supplementary Planning Document (SPD) 2021 supports policy WLP8.39 and provides guidance on replacement windows. Paragraph 10.1 states that "*it is always preferable to retain existing historic windows and therefore repair should be considered before replacement. However, occasionally a window may be beyond the stage where repair is possible*". Paragraph 10.25 adds that "*replacement of original, old or rare historic windows will not normally be acceptable. This is because these features contribute importantly to the character of historic buildings and, if maintained, are usually durable for many years, sometimes centuries*".
7. This policy and guidance is in conformity with the National Planning Policy Framework (the Framework), September 2023. Section 16 of the Framework deals with 'Conserving and enhancing the historic environment'. It begins (paragraph 189) with the following statement of policy: "*Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*".
8. Paragraph 199 then states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*".
9. Since, in this case, the matter arises from a location in a conservation area, the legislative requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also germane. This states: "*In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".

The effect of the proposed replacement uPVC windows on the character and the appearance of the dwelling and the conservation area

10. The existing windows, whilst they may not be original, are entirely in keeping with the dwelling as built. The surrounding area has buildings in varying styles and of various ages, the collective quality of which is of substantial importance to the character and appearance of the conservation area. The appeal property and its neighbours in this terrace of 4 houses, together with those immediately adjoining with similar characteristics, particularly of fenestration, illustrate the essential character of this part of the area.

11. The qualities that contribute to their importance are the scale and proportions of the main features, in which the sash windows stand out. Their importance and value stems, in addition to their design and proportions, from the fineness of the detailing of frames, rails and glazing bars. The fact that, as in this case, they are of painted timber is central to their quality. Unfortunately there are too many examples of replacement windows that demonstrate the great harm that uncontrolled replacement can bring. No doubt this spurred the Article 4 direction.
12. If that direction is to be effective in maintaining the qualities of the conservation area, and eventually leading to improvement, it is important that its operation should maintain long term adherence to the policies that I have mentioned. There are many examples of very poor design in replacement uPVC windows in the area, so that it might be argued that the cause has already been lost, but plastic windows have a finite life, and people's perceptions change over time. Thus, over time, the policies can bring a real improvement to the character and appearance of the area.
13. These remarks about the very poor design quality of some of the windows in the immediate area cannot be ascribed to those that have been proposed by the appellant. In this case the replacement windows chosen are probably as close to the originals as can be achieved in uPVC. The appellant has clearly been alive to the issues that I have dealt with. However, there is a visual difference to the appearance of uPVC and painted timber windows, and unless there are very strong arguments that plastic replacements are the only feasible alternative, the conservation of timber windows is the favoured outcome to be pursued.
14. The appellant argues that the replacements would improve the aesthetics, the security and the thermal properties of the home. Currently the windows, it is said, are not in the best condition and make using the rooms with bay windows unusable in the winter months due to draughts and poor thermal qualities of the deteriorating windows. The proposals respond to local context with numerous uPVC windows in evidence. The deteriorating windows are harmful to the visual appearance of the existing building. Replacing these with timber windows is not cost effective in a time of economic struggles. New uPVC windows that match those approved in the area, that are of a high quality sash design, as proposed, would enhance the conservation area and improve the property.
15. With these comments of the appellant in mind, at my site visit I inspected the condition of the existing ground floor windows, and from what I could see, the upper windows are in a similar condition. Without any intrusive examination, it appeared to me that the timber components of the windows are quite sound. It is the case that the paintwork does not look to be recently applied and is breaking down in places, and may hide faults that are not readily discernible, but I was left with the clear opinion that reasonably ordinary maintenance could make them fully serviceable for a good number of years. Of course, this would not change their inherent shortcomings, such as single glazing, but there are other ways of securing improved thermal efficiency.
16. There is a clear policy imperative to retain and maintain features that are of importance in terms of the character and appearance of buildings within conservation areas. Properly applied, these policies will not only prevent further

deterioration in the character and appearance of building and the area, but over time may undo much of the damage to these characteristics that has occurred.

17. I consider that the harm that the appeal proposal would bring to the heritage asset that is the South Lowestoft Conservation Area, in the terms used in the Framework, is less than substantial harm. Paragraph 202 of the Framework deals with such situations and states: *"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."* The improvement to thermal efficiency of homes is a public benefit and as well as to the individual household, but in this case that public benefit is marginal and does not outweigh the harm that would occur to public policy and to the character and appearance of the South Lowestoft Conservation Area.
18. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR