



Appeal Decision

Site visit made on 27 March 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11TH April 2024

Appeal Ref: APP/Y1110/D/23/3335994

9 Chudleigh Road, Exeter EX2 8TS

- 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 Mrs Samantha Thornely against the decision of Exeter City Council.
 - The application Ref: 23/0223/FUL, dated 18 February 2023, was refused by notice dated 23 October 2023.
 - The development proposed is described as the replacement of timber windows with uPVC windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use. The description of the development on the original application form refers to a number of matters relating to the background to the appeal proposal which do not fall within the meaning of development as described in Section 55 of the Act. As a result, I have revised the description of the development to better reflect the proposal before me.

Main Issue

3. The main issue is the effects of the appeal proposal on the character and appearance of the appeal property and the wider area, including that of the Alphington Conservation Area (the CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Saved Policy C1 of the Exeter Local Plan First Review 1995 to 2011 (the ELP).
5. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including conservation areas), 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. Paragraph 207 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

6. I have also been made aware of the Alphington Conservation Area Appraisal and Management Plan (the CAAMP). The document does not form part of the development plan, but was subject to public consultation and I consider it to be a useful and material document in the appraisal of the appeal proposal.
7. No. 9 is an attractive traditionally constructed two storey dwelling fronting onto Chudleigh Road. Historically, from my review of the information before me, it is understood to have formed part of the Aldens Farm complex. The property is also recorded as a 'Local list' building on Plan 2 of the CAAMP. Paragraph 14.1 of the CAAMP explains that the 'Local List' refers to 14 buildings identified through the CAAMP 'as being of local importance.' No. 9 is also highlighted as one of the 'Buildings that make a positive contribution to the character of the area' on Plan 3 of the CAAMP. From all that I observed during my site visit, I agree with the above conclusions from the CAAMP.
8. The proposal seeks to replace the existing timber windows to the front and rear elevations of No. 9 with uPVC alternatives. Section 4.8 of the CAAMP highlights under the key characteristics of the CA that 'Windows are vertically proportioned and typically either side hung, usually 3 pane casements or sliding sash. Whilst there are still many traditional timber windows, a number of properties have had replacement uPVC or aluminium windows.' Moreover, I am also aware that the CAAMP through Section 20 identifies that incremental changes made to unlisted buildings are a threat that is resulting in the erosion of the area's character.
9. The existing windows on No. 9, which are predominately 6 pane side hung vertical casement windows, particularly to the roadside elevation, have angular detailing to their frames and glazing bars. The windows also have inconsistency with the width of their frames reflective of the manner of the window opening. The individual detailing of the windows, alongside the natural and traditional characteristics of the timber material are positive features that reflect the time period of No 9's construction, and are thus important components of its overall historic character, which as highlighted above contributes positively to the CA.
10. In contrast, the proposed uPVC windows would be of a modern synthetic manufactured material and finish, which from the details I have before me, would lack the finesse and traditional characteristics of the existing windows.
11. The differentiation between the existing windows and the proposed would be particularly evident on the roadside elevation which fronts directly onto the adjacent pavement and is readily observed from the busy Chudleigh Road. The windows to the rear are not visible from public vantage points, the lower ground floor openings fronting onto a private garden, and the first floor level openings are only visible from an enclosed private courtyard serving adjacent business space.
12. As a result, I am of the view that the replacement windows to the prominent roadside elevation of No.9 would unacceptably contrast with its existing

authenticity. They would therefore result in harm to the character, appearance and heritage attributes of No. 9 and that of the wider CA.

13. In reaching my conclusions, I have been referred to a number of examples of uPVC replacement windows in the immediate area and elsewhere by the appellant. However, whilst I do not have the details before me to understand the full circumstances behind each of these cases, I am of a view that these examples, including those that I visited in the immediate area, do not lend any particular merit in support of the proposals before me, and therefore do not lead me to reach a differing view on the proposed development. In any case, I am required to determine the appeal development on its own individual merits.
14. For the above reasons, the appeal proposal, having particular regard to the proposed window replacements on the roadside elevation, would be harmful to the character and appearance of the appeal property and the surrounding area. The appeal proposal also fails to preserve or enhance the character and appearance of the CA. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The benefits to the appellant as set out in her Appeal Statement, including matters relating to energy efficiency, heating, mould, safety and the condition of the existing windows, whilst understood, are not sufficient to outweigh the clear harm that I have identified.
15. Consequently, I find that the appeal proposal would conflict with Saved Policies DG1 and C1 of the ELP, and Section 16 of the Framework, which amongst other matters seek to ensure that development promotes local distinctiveness, contributes positively to the visual richness of the townscape and preserves or enhances the character or appearance of the CA.

Conclusions

16. The appeal proposal would have a detrimental effect on the character and appearance of No. 9 and that of the wider CA.
17. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
18. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR