



Appeal Decision

Site visit made on 26 April 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/Z2260/W/23/3329452

223-229 Northdown Road, Margate, Kent CT9 2PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Gooding (Prospects UK Letting and Property Management) against the decision of Thanet District Council.
 - The application Ref is F/TH/23/0033.
 - The development proposed is the replacement of windows from timber sash to composite.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a recently revised National Planning Policy Framework ("the Framework"). All references to the Framework in this decision relate to the revised document. I am satisfied that no one would be prejudiced by the changes to the national policy context as there are no material changes relevant to the substance of this appeal.
3. In determining this appeal, I shall have regard to my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Northdown Road Conservation Area ("the CA").
 - The effect of the proposed development on the significance of the appeal building as a non-designated heritage asset (NDHA).

Reasons

The CA

5. The CA encompasses a relatively extensive stretch of Northdown Road. Its significance appears to be derived from the mixture of predominantly period style buildings, mostly with shop fronts at ground floor level, which line and largely enclose the road on both sides. The buildings are constructed from a variety of masonry materials and to varied but traditional architectural styles,

often with rich detailing. Although modern shop fronts and UPVC window frames are present on buildings in the CA, a significant proportion have retained their timber window frames, often in a sliding sash style. Timber window frames reflect traditional materials and construction methods, and complement positively the authenticity and architectural integrity of the many period style buildings in the CA. Together, these attributes give the CA an attractively traditional appearance that is likely to have reflected the development of the area as an important shopping street within this seaside settlement.

6. Notwithstanding its modern shop front and the presence of a small number of UPVC windows, the appeal building is of a traditional design. The materials and distinctive style of the mostly matching timber glazing bar type sliding sash windows complement the authenticity of the building's traditional design and construction. Their repetitive pattern contributes to the solidity and verticality of the building's proportions, giving it a well ordered and somewhat imposing presence on this prominent corner plot. Despite their poor state of repair, I find that the age, appearance, and authenticity of the timber sash windows contribute positively to the architectural interest and history of the appeal building, and to the significance of the CA.
7. The proposed composite window frames would be of a sliding sash design with thin profiled glazing bars and traditional detailing, including sash horns and vertical frame joints. Their proportions, method of opening and glazing pattern would closely replicate the appearance of the existing windows. However, composite is a modern material relative to the age of the building and most others within the CA. It would not have been prevalent at the time of construction and does not reflect traditional construction materials or methods. Whilst composite windows may have been permitted in conservation areas, I have no evidence of any specific examples to support this contention, nor to contradict the Council's assertion that UPVC windows in the CA may pre-date its designation or have been installed as a permitted development.
8. In long and medium distance views of the appeal building, the visual effects of the proposed change from timber to composite window frames would largely be obscured by the proposed white colour finish of the frames. The differences between the surface finish of composite as opposed to timber frames would be likely to be imperceptible in such views. Even if the proposed double glazing was to have a 'flatter' appearance than the existing glazing, given the small sizes of the individual panes, I am not persuaded that this would cause harm and it would have a neutral effect on the appearance of the building and the CA.
9. However, in closer distance views the proposed composite window frames are likely, in my experience, to have a more precise and machine-made appearance by comparison to timber frames. There is limited evidence before me to suggest otherwise. The visible differences between each of the proposed composite window frames and the existing timber window frames would not be stark or jarring. However, given the number of windows to be replaced the cumulative differences in appearance would be discernible in close distance views from street level, particularly the rows of lower floor windows. Moreover, the almost wholesale change in material would be particularly noticeable from the interiors of each of the rooms served by the proposed windows.

10. Consequently, the proposed composite window frames would introduce a relatively modern material to the CA on a scale that would erode the authenticity of the traditional materials and construction methods of the building, and its positive contribution to the character and appearance of the CA. As such, the proposal would fail to preserve or enhance the character or appearance of the CA as a whole, in conflict with s72(1) of the Act, and the CA's significance as a designated heritage asset would be harmed.
11. In terms of the Framework's heritage policies, I am required by Paragraph 205 to give great weight to the conservation of the CA as a designated heritage asset. The proposal's harm to the significance of the CA as a designated heritage asset would be 'less than substantial'. Nevertheless, this is a matter of considerable weight and importance, and Framework Paragraph 208 requires me to weigh this harm against the public benefits of the proposal.
12. The extent to which the proposed windows would improve insulation and energy efficiency within the appeal building and reduce energy usage and carbon dioxide emissions, has not been quantified. Even if I were to give significant weight to the need to support energy efficiency improvements to existing buildings in accordance with Framework Paragraph 164, the public benefit of reducing carbon emissions through improving energy efficiency, which has not been quantified in this instance, would not outweigh the harm identified to the significance of the CA as a designated heritage asset.
13. The evidence before me does not demonstrate that occupiers of the appeal building currently experience noise levels detrimental to their health or living conditions. As such, the beneficial effects of double glazing, including in reducing noise levels within the building, are of limited weight in favour of the appeal proposal.
14. Most, if not all of the existing timber window frames in the appeal building are in a poor state of repair. However, there is limited evidence that repairs to the timber frames to enhance their appearance, along with ongoing maintenance, would be prohibitively uneconomical and onerous relative to the proposed composite windows, such that they threaten the appeal building's viable use. The fact that timber windows exist on the appeal building and many others nearby indicates the durability of timber frames.
15. Given the above, the proposal's 'less than substantial' harm to the significance of the CA, and the great weight to be given to the conservation of the CA as a designated heritage asset, would not be outweighed by the cumulative public benefits of the proposal. Therefore, the appeal proposal would conflict with the conserving and enhancing the historic environment objectives of the Framework.
16. I conclude on this issue that the appeal proposal would fail to preserve or enhance the character or appearance of the CA, and the public benefits are insufficient to outweigh the 'less than substantial harm' to its significance as a designated heritage asset. The proposal would therefore conflict with Policies HE02 and QD02 of the Thanet District Council Local Plan, adopted July 2020 ("the LP"), which seek to ensure that development preserves or enhances the significance of heritage assets, including through use of appropriate materials and detailing, and retaining features that contribute to the character or appearance of the conservation area.

17. There would also be conflict with Framework Paragraphs 135 and 139, which state that development should add to the quality of an area and be sympathetic to local character and history, including the surrounding built environment.

NDHA

18. The evidence suggests that the appeal building is generally reflective of the typical design, layout, materials and style of commercial buildings constructed in the 1900s. However, compared to most other buildings along Northdown Road, the appeal building appears to be one of the largest and it presents wide, well-ordered facades to the road, with a comparatively simpler architectural style than the generally older buildings to the west, which tend to be narrower with forward projecting bays and/or gables and richer architectural detailing.
19. These attributes give the appeal building a distinctive and imposing presence amongst the rows of shops fronting the road, which together with its prominent corner plot location serves to announce its presence and function to prospective customers. As such, the building is visually distinctive within the row of narrower shop buildings. To my mind, its scale and appearance is somewhat reminiscent of a large department store style building and is likely to have reflected a movement towards the development of shops with larger floor areas. Based on the photograph of the appeal building from around 1932, aside from a modern shop front, there has been relatively little change to the exterior of the building over the last 90 or so years.
20. Whilst a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets¹, I find that for the reasons given above the appeal building derives some architectural and historic interest from its age, traditional construction and materials, and functional relationship with the area. As such, the appeal building has a degree of heritage interest that warrants it being treated as a NDHA. The Framework Paragraph 209 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
21. Despite their poor state of repair, the timber sash windows in the building appear largely intact and they contribute positively to the authenticity and integrity of its original design and construction. The design and proportions of the replacement composite windows would closely replicate the style and appearance of the existing timber windows, and their contribution to the appearance of the appeal building. However, the replacement of a significant number of timber windows with the proposed composite framed windows would erode the authenticity of the traditional materials and construction methods of the building. This would be noticeable in close distance views of the building, and particularly to the occupiers of the building within the rooms served by the proposed windows.
22. For these reasons, I conclude on this issue that the appeal proposal would cause a moderate level of harm to the significance of the appeal building as a NDHA, in conflict with LP Policies HE02 and QD02, insofar as they require development to use materials appropriate to the locality and to conserve or enhance the significance of all heritage assets.

¹ Planning Practice Guidance – Paragraph: 039 Reference ID: 18a-039-20190723

Conclusion

23. For the reasons given above, the proposal would fail to preserve or enhance the character or appearance of the CA and would harm the significance of the appeal building as a NDHA. I have found that the benefits of the proposal are insufficient to outweigh the 'less than substantial harm' that it would cause to the CA as a designated heritage asset and the moderate level of harm to the significance of the NDHA.
24. Consequently, the proposal conflicts with LP Policies HE02 and QD02, and this brings it into conflict with the development plan as a whole. There are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR