



Appeal Decision

Site visit made on 16 July 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/X1165/W/23/3327895

22 Roundham House, Flat 8, Belle Vue Road, Torbay, Paignton TQ4 6ER

- 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 David Hey against the decision of Torbay Council.
 - The application Ref is P/2023/0278.
 - The development proposed is replace existing windows with matching uPVC vertically sliding windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building and Roundham and Paignton Harbour Conservation Area (CA).

Reasons

3. The appeal site is located within the CA. The statutory duty in Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. The Roundham and Paignton Harbour Conservation Area Character Appraisal (October 2008) (CACA) outlines the essential characteristics of the CA. These include the CA being part of an archetypal late Victorian seaside resort and a spacious suburb with mainly detached, or semi-detached villas in good sized grounds. I observed that the significance of the CA is derived from the appearance and traditional design features of the period buildings and pattern of development which provides a good example of the historic expansion of a seaside resort.
5. There are a number of other properties within the CA which I observed during my site visit contain uPVC windows, and specific examples have been drawn to my attention by the appellant. However, there are also a number of timber windows within the wider surrounds of the appeal site. From my observations, the use of uPVC window material is neither a prevailing characteristic of the area nor one which makes a positive contribution to the significance of the CA.
6. Roundham House is a large period building, which has been converted into flats and is situated within a corner plot at the junction of Belle Vue Road and

Roundham Road. While not a designated heritage asset, the CACA identifies the building as one that is a 'key building of architectural importance or which makes a significant contribution to the townscape' and is referred to within the evidence as a non-designated heritage asset. Although screened from certain views by mature planting, the location of the building, scale and its period appearance results in it being particularly prominent within the street scene, and contributes positively to the significance of the CA.

7. Minimal public views are available of the windows to the northern elevation of flat 8 due to surrounding built form and mature planting. However, the roadside elevation and its associated window is prominent in views through the access gate. This window, in combination with adjacent ground floor windows, provide visually important period detailing when the property is first experienced from views from the vehicular access off Belle Vue Road.
8. The submitted plans indicate that the proposed uPVC windows would match the existing windows and retain the style dimensionally and decoratively. However, no detailed plans including sections of the proposed frames are before me. Furthermore, the existing windows feature a subtle arched top, which would be lost and replaced with a square top window and uPVC filled arch. Therefore, the proposal fails to demonstrate that it would successfully replicate the fine detailing of the existing timber windows.
9. I also observed the existence of other replacement uPVC windows at the appeal site. Nevertheless, the existence and visual appearance of other uPVC windows only emphasises the importance of the retained historic features at the property and fine detailing of the remaining timber windows. The roadside replacement window in particular would be apparent to anyone observing the building from nearby, detracting from the building's overall appearance and that of the wider CA.
10. It is put to me that Historic England advice states that the designation of a Conservation Area should not be seen as an end in itself, and a holistic and proactive approach should be taken in managing change in Conservation Areas. However, for the reasons given above the proposal would have a negative effect on the significance of the CA. This would result in 'less than substantial' harm. Even so, the National Planning Policy Framework (Framework) states that great weight should be given to the conservation of such assets. In those circumstances, the Framework states that harm should be weighed against the public benefits of the proposal.
11. Furthermore, as the host property is a non-designated heritage asset, the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. I am informed that the existing windows are in a state of dis-repair, and a number of benefits have been put to me. These include window performance in terms of energy efficiency and economic benefits to the area through the use of local suppliers and fitters.

13. However, there is nothing before me to indicate that the above stated benefits could not be achieved by using alternative replacement windows that would be less harmful to the host building and to the CA, or equally that the repair and modification of the existing windows could not achieve similar benefits. Consequently, I find that the benefits, public or otherwise, do not outweigh the harm that I have identified.
14. Accordingly, I conclude that the proposal would fail to preserve or enhance the character and appearance of the host building and CA. The proposal would be contrary to Policies SS10 and DE1 of the Torbay Local Plan 2012-2030. These policies seek, amongst other things, for development to respect, sustain and enhance Torbay's special qualities and heritage assets. The proposal would also conflict with the aims of the Framework, which places great importance on the conservation of heritage assets such as conservation areas.

Conclusion

15. The proposed development conflicts with the development plan when read as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The appeal is therefore dismissed.

S Harrington

INSPECTOR