



Appeal Decision

Site visit made on 8 July 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/V1260/W/23/3328637

Flat 4 The Chines, 18 McKinley Road, Bournemouth, Dorset BH4 8AP

- 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 Ingrid Brandon against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2023-12994-AM.
 - The development proposed is to replace 8no. timber window frames and 2no. timber external door frames with white PVCu frames.
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Decision

1. The appeal is allowed and planning permission is granted at Flat 4, The Chines, 18 McKinley Road, Bournemouth, Dorset BH4 8AP in accordance with the terms of the application, Ref 7-2023-12994-AM, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing 23/06/04/01C.
 - 3) No development shall take place until large scale details and/or samples of the replacement windows to be installed have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Overcliff Drive Conservation Area.

Reasons

3. The appeal property is a large three storey Edwardian building within the West Overcliff Drive Conservation Area (CA). The CA comprises mainly C19 and C20 dwellings formally laid out with street trees and green spaces. The buildings display a rich variety of high quality traditional architectural features and, insofar as is relevant to this appeal, I find significance of the CA is derived from the high quality traditional architectural details and layout of the buildings within it.
4. The McKinley Road section of the West Overcliff Drive Conservation Area (CA) consists of a wide tree lined street with large detached properties set back from

the road on either side. The older properties on the road are Edwardian style, although individually designed, follow a similar theme. These properties retain many of their original features, such as timber windows. There are also examples of modern properties with plastic double glazed windows.

5. The appeal property is within a large three storey Edwardian building. The Council considers the building to be a 'Positive Contributor' within the CA. The appeal concerns Flat 4 which is located on the first floor to the rear of the property and not visible from the street.
6. The building has been extended at the rear which includes balconies and modern dormer windows. Within the rear extension, as well as other parts of the building there are plastic windows. This includes the flat below the appeal property where patio doors and windows have been installed following planning permission being granted in 2016.
7. The windows in the appeal property are timber framed but are not sash windows and differ from the windows in the original property in terms of their style and the thickness of the frames. The installation of modern windows in an extension where the windows would be the same as others in the building is appropriate. Whilst the windows may be seen from the garden and other nearby buildings, other examples of plastic windows would also be visible and the proposed would not stand out in this context. Plastic windows are not an alien feature within the context of the wider CA appearing on both modern and historic buildings. The changes to the windows at the rear of the property do not affect the building being a 'Positive Contributor' within the CA, particularly as the windows would not be visible from the road. The alterations would not harm the significance of the CA and its character and appearance would be preserved.
8. The Council acknowledges that permission has been given for flat 3 but refused for flat 7, however, this was in the original part of the building. They argue that windows are an important feature and make a significant contribution to interest and historic appearance of a building even if not listed. In this case the windows are in a modern part of the building and not substantially different to the windows that they replace. The examples of other windows which have been changed with consent in the modern part of the building do not demonstrate harm but in fact the neutral impact. No incremental harm is considered within this context.
9. It is argued that the windows approved for flat 3 pre-date the current National Planning Policy Framework (the Framework). However, local planning policy remains unchanged. Changes that have been made to the Framework since the approval in 2016 are not substantial in so far as they relate to the consideration of heritage assets.
10. Reference is made to Historic England's 'Traditional Windows: Their Care, Repair and Upgrading' (2017). This document has very limited weight in this instance as it is not planning policy and the windows concerned are modern windows in an extension. Whilst the overall appearance of the building is important, alterations to newer parts needs to be considered within their context along with other approved alterations.
11. It is concluded that the appeal proposal would not harm the character or appearance of the appeal building and it would preserve the character,

appearance and significance of the CA. Consequently, it would accord with Policies 4.4 of the Bournemouth District Wide Local Plan (2002) and Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), which seek, amongst other matters, development that responds to local character and to conserve the significance of heritage assets. There would be no conflict with the Residential Extensions: A Design Guide for Householders PGN and it would also accord with advice in section 16 of the Framework.

Other Matters

12. The condition of the existing windows has been raised by both parties and there is some dispute here. However, even if the windows could be repaired, the replacements are found to be acceptable in this context.

Conditions

13. A Standard time condition and an accord with plans conditions are included in the interest of clarity and certainty. A condition requiring large scale details is also necessary as the details on the plans are only at 1:100 scale and further clarity will ensure that the windows match with the others on the building.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

H Faulkner

INSPECTOR