



Appeal Decision

Site visit made on 23 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/G2245/W/23/3334528

1 The Square, Riverhead, Kent TN13 2AA

- 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 Hards of Landmack Ltd against the decision of Sevenoaks District Council.
 - The application reference is 23/02418/FUL.
 - The development proposed is replacement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal site lies within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Riverhead Conservation Area (CA).

Reasons

4. The appeal relates to a two storey building, which occupies a prominent position within the CA. The ground floor of the building is currently in use as a hair salon. Consent has been granted to change the use of the first floor to residential accommodation. Although not listed, the Council refers to the property as a non-designated heritage asset. In any event, the appeal site lies within the Riverhead Conservation Area (CA), which is a designated heritage asset.
5. The significance of the CA insofar as it is relevant to this appeal is derived from the diverse variety of high quality historic buildings and the predominant use of traditional materials, including timber windows. The appeal property by reason of its architectural design and use of traditional materials is consistent with and reinforces the architectural and historic interest of the CA, as a whole. The Riverhead Conservation Area Appraisal and Management Plan 2010 (CAAMP) identifies that the appeal property falls within an important group of buildings within the CA. The appeal property has particular value because of its visual prominence in the public realm.

6. The existing windows are timber, single glazed sash windows, which have been painted black. The proposal seeks to replace the windows on the front elevation of the property and two small windows on the side elevation with UPVC, double glazed, timber effect, sash windows. The proposed double glazing would be 28mm thick, with applied glazing bars.
7. I observed on my site visit that the black paint on the windows is flaking off, which results in an unkept appearance. Both main parties agree that the existing windows are in a poor condition. However, there is no condition survey before me or any substantive evidence to demonstrate why the existing windows could not be repaired and repainted to improve their visual appearance. Although the windows are in need of maintenance, the existing windows by reason of their traditional design and materials make a positive contribution to the character and appearance of the CA.
8. The appellant advises that the windows would be replaced 'like for like', utilising heritage style windows, which would have a timber effect. While the proposed windows would be the same size, style and colour, the use of UPVC would have a materially different impact. UPVC typically has a shinier and more uniformed finish than timber windows. As a result, it does not satisfactorily capture the traditional character of the existing timber windows.
9. Furthermore, the proposed double glazing would appear far chunkier and the applied glazing bars would fail to appear authentic. Overall, the proposal would result in a further modern intrusion into the CA, which would harmfully discord with the traditional and historic buildings within it. This harm would be accentuated by virtue of the prominence of the windows within the public realm. Consequently, the proposal would fail to preserve the character and appearance of the CA, which derives much of its significance from the traditional architectural detail of the buildings within it.
10. The appellant has drawn my attention to neighbouring buildings within the CA that have UPVC or aluminium windows, some of which are on historic buildings. The CAAMP identifies that UPVC windows cause harm to the unique quality of the CA. Where UPVC windows are present in other buildings within the CA, they are clearly distinguishable from the traditional timber windows and demonstrate the material harm that can be caused to the character and appearance of the CA by such development. There is limited information before me on the circumstances of the other cases referenced by the appellant and I therefore give them limited weight in my decision. The presence of UPVC windows on other properties within the CA does not justify further harm to the character and appearance of the CA.
11. While I am advised that the building has UPVC rooflights, there is limited information before me on the circumstances of these rooflights. Furthermore, the existing rooflights are sited on a less prominent elevation and therefore do not have the same level of prominence from the public realm. Consequently, I give the existing rooflights limited weight in my decision.
12. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the harm to the CA

to be less than substantial in this instance but nevertheless of considerable importance and weight.

13. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
14. The appellant considers that the replacement windows would enhance the character and appearance of the CA. However, for the reasons set out above, I find that the proposal would fail to preserve the character and appearance of the CA. As a result, I do not find this to be a public benefit.
15. The appellant states that the proposal would require less maintenance, reduce energy bills for occupants, ensure that the general upkeep of the building is more viable and improve the long-term marketability of the shop. However, these are largely private benefits. There is no substantive evidence before me to suggest that the use of the building would cease in the absence of the proposed changes. As a result, I do not find the proposal necessary to secure the viability and long-term conservation of the building.
16. The appellant argues that the proposal would help to mitigate the noise impact from the adjacent road and improve the thermal comfort of occupants, which are private benefits. In addition, the appellant considers that the proposal would improve security, energy efficiency and reduce drafts and condensation, therefore improving the health of its occupants. However, there is no compelling evidence before me why similar benefits could not be achieved through an alternative, less harmful scheme that utilises a traditional material. Accordingly, these factors only carry limited weight as a public benefit in favour of the proposal. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit.
17. Overall, there would be limited public benefits from the proposal. Consequently, in attributing great weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
18. Given the above, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. The proposal would also conflict with Policies EN1 and EN4 of the Allocations and Development Management Plan February 2015. These policies among other things require that proposals conserve or enhance the character, appearance and setting of heritage assets and are of high quality design that responds to the character of the area.

Conclusion

19. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James INSPECTOR