



Appeal Decision

Site visit made on 27 November 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/L3625/W/24/3345220

80, 80A & 80B Doods Road, Reigate, Surrey RH2 0NR

- 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 Miles Cassidy against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/02405/F.
 - The development proposed is replacement windows to the ground (80), first (80A) and second floor (80B) flats. The fenestrations, styles (mixture of casement, sash and sliding sash) and colours (white) are to remain the same as existing, but material change from timber to uPVC is proposed. Replacement of the rear external timber door to ground floor flat (80) to uPVC. Extent of proposed works to 80: 1no. bay window unit and 1no. sliding sash unit to front elevation, 1no. bay window unit to flank elevation, 1no. door and flag window (casements) to rear elevation. See supporting window schedule for more information (doc. ref. '80 Doods Road - Window Schedule'). Extent of proposed works to 80A: 1no. bay window unit and 1no. sliding sash unit to front elevation, 2no. single sliding sash units and 2no. casements to flank elevation, 2no. sliding sash units to rear elevation. Style as drawn in doc. ref. '80 Doods Road - Window Schedule'. Extent of proposed works to 80B: 1no. casement unit to front elevation, 1no. casement unit to flank elevation, 1no. casement unit to rear elevation. See supporting window schedule for more information (doc. ref. '80B Doods Road - Window Schedule').
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Wray Common Conservation Area (the CA).

Reasons

3. The appeal site (the site) is within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight be given to their conservation.
4. The Wray Common Conservation Area Appraisal (2014) sets out that the special interest of the CA is derived from, amongst other things, substantial Victorian mansions in the vicinity of Wray Common, and the contribution of individual buildings to the character of the area. Mansions are described as being in the Old English style, in which traditional materials and detailing are strong characteristics. White painted sash windows predominate, alongside some mullion and transom

windows. The loss of traditional painted timber windows is cited as something to be discouraged, and uPVC windows are described as an inappropriate replacement.

5. The Wray Common Conservation Area Appraisal has draft status, which reduces its weight in my determination. Nevertheless, its content accords with my observations of the CA. On the evidence before me and based on my inspection of the site and surrounding area, therefore, the significance of the CA in relation to the appeal proposals is in the importance of timber, white painted sash windows (traditional windows) to the character and appearance of individual mansions, and the contribution of those individual mansions to the wider area.
6. The site includes a semi-detached mansion (the building) arranged as flats. The building is set back from the boundary and the front garden is enclosed by tall fencing and greenery. Even so, the windows in the front elevation of the building, other than the lowest parts of the ground floor windows, are visible from Doods Road. Windows in the rear elevation of the building are visible to varying degrees from neighbouring properties, the rear of the appeal site, and from Wilmots Close. All of the windows in the building are visible to occupiers of the site.
7. The majority of the windows in the front elevation, and in the upper floors of the rear, are traditional. Their visibility from the highway makes them the most prominent in the building, and the presence therein of slim mullions and transoms, along with relatively fine detailing around the frame edges, is evident from the highway. This is a significant factor in the building making a positive contribution to the CA.
8. It is proposed to replace the majority of the traditional windows in the building, including those in the front, and in the rear first floor elevations, with uPVC ones. Notwithstanding the significance of the CA as described above, whether any particular specification of uPVC window would preserve or enhance the character and appearance of the CA is a matter of assessment in each instance.
9. The replacements are described as 'like-for-like', and the existing and proposed elevation plans provided are all but identical. At the same time, the submitted window schedules lack detail and do not demonstrate the extent to which elements such as the slim mullions and transoms, or the fine detailing around the frame edges, would be replicated.
10. Furthermore, it is stated that the replacement windows would match surrounding properties, but the detailing in the existing windows at No 78, to take one example, is noticeably different to that in the traditional windows at the appeal site. A contradiction arises therefore, as windows which are a like-for-like replacement of the existing traditional ones cannot also match those in neighbouring properties. Overall, the lack of clear detail means there is no evidence the proposed development would preserve or enhance the character and appearance of the CA.
11. Buildings at No 78 and No 82 include uPVC windows. In that respect, the proposed development would create greater uniformity in fenestration across the three buildings. However, the significance of the CA in relation to the appeal proposals is in the importance of traditional windows to the character and appearance of individual mansions, and the contribution thereafter of each individual mansion to the area. Moreover, not all of the uPVC windows at No 78 and No 82 make as positive a contribution to the CA as the traditional windows at

the appeal site. I find that uniformity across buildings is not, within itself, part of the significance of the CA, nor does it comprise a benefit of the scheme. I attribute very little weight to it, therefore.

12. My attention has been drawn to the possibility of inconsistent decisions regarding uPVC windows in the CA. The windows at No 78 were replaced before the designation of the CA and, as such, if permission were needed for that work, it would not have been assessed in the same context as the appeal proposals.
13. The Council states that no record exists for uPVC windows at No 82. The appellant has provided a reference number they believe to be pertinent¹. The application in fact relates to 82b Doods Road (No 82b) in the semidetached mansion neighbouring No 82 and involves the replacement of some of the windows to a first floor flat.
14. The application at No 82b lacks detailed plans. It was, however, retrospective. As such, the Council would have seen the windows in question before approving them. Insofar as granting permission despite insufficient details is concerned, the situation at No 82b was different to that in this appeal, therefore.
15. The absence of detailed plans prevents me from comparing the appeal proposal to the windows I saw at No 82b. I cannot use the latter to gauge the merits of the former, therefore. Moreover, I have no evidence the windows which were replaced at No 82b made a similar positive contribution to the CA as the windows which would be replaced at the appeal site. As such, even if the windows proposed at the appeal are similar to the windows at 82b, it is not evident that the overall effect of the development would be.
16. The appellant has indicated that properties on Wray Common Road have had uPVC windows installed since the designation of the CA but provided no further details. I have no evidence that this was work approved by the Council, or if it was, that it was approved against the same development plan. For the reasons given above, I do not consider the existence of other uPVC windows near the appeal site to constitute a precedent in favour of the appeal.
17. I appreciate that the proposed development would reduce difficulties associated with rot, damp, mould, and energy loss for occupants of the building. I also have no reason to doubt that the need to act is pressing. However, I have no evidence that the appeal proposal is the only means by which these issues can be addressed and note the range of alternative approaches the Council has outlined. For these reasons, the benefits of the proposed development for the occupants of the appeal site carries very little weight in my determination.
18. The proposed development conflicts with Policies NHE9 and DES1 of the Reigate and Banstead Local Plan, Development Management Plan 2019, which require development to promote and reinforce local distinctiveness and respect the character of the surrounding area, and to protect, preserve, and wherever possible enhance, designated and non-designated heritage assets. It would also fail to satisfy the requirements of the Act, and the historic environment protection policies of the Framework.

¹ Application Ref 19/01381/RET.

Other Matters

19. It is common ground between the parties that the cost difference between uPVC and timber windows is not a planning consideration. The same is true of the greater maintenance costs potentially associated with the latter, and it has not been a factor in my determination, therefore.
20. I appreciate that when purchasing their property, the appellant felt they had reason to assume uPVC windows would be acceptable. Nevertheless, that assumption was made in the absence of obtaining the requisite planning permission and, as such, has no bearing on the merits of the proposed development as set out above.

Planning Balance

21. Paragraph 213 of the Framework advises that the significance of a designated heritage asset can be harmed or lost through its alteration, and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance. Under such circumstances paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. Whilst the benefits to occupiers of the building in respect of energy efficiency are personal rather than public, achieving greater energy efficiency at the appeal site would contribute to the wider aims, in that respect, of the Framework. In addition, there would be short term economic benefits associated with the work undertaken to install the windows. Given the limited scale of the proposal, and notwithstanding that they could be achieved by means that do not cause the same harm to the character and appearance of the CA, these would amount to very minor public benefits that would not outweigh the great weight that should be given to the asset's conservation.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Knight

INSPECTOR