
Appeal Decision

Site visit made on 6 February 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/J2210/D/24/3355103

20 Mill Lane, Canterbury, Kent CT1 2AW

- 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 Barbara Wilkinson against the decision of Canterbury City Council.
 - The application Ref is CA/24/01347.
 - The development proposed is Window replacements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
3. The Council's decision notice refers to the Herne Bay Conservation Area and the Canterbury Conservation Area. Having reviewed the submitted evidence and visited the appeal site, it is clear that the site is within the Canterbury City Conservation Area, and that any reference to alternative conservation areas is a typographical error. I have determined the appeal on this basis.
4. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character and appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area, with due regard to the location of the site in the Canterbury City CA.

Reasons

6. The character of this part of the Canterbury City CA and its significance stems from, amongst other aspects, the arrangement of finely grained buildings occupying narrow plots with relief provided by side streets and alleys. Buildings are predominantly red brick and the design and arrangement of fenestration with matching proportions on the front elevations creates a pleasing architectural rhythm. The intimate scale of the streets, unity of architecture and the presence of

the Stour River are also of particular importance in this part of the CA, and as a whole.

7. The appeal property is one half of a pair of uniform semi-detached houses fronting Mill Lane, which are part of a wider development of properties addressing King Street and Blackfriars Street. Although notably more modern than many surrounding properties, efforts have been made to incorporate traditional features, such as fanlights above the front doors, sash windows and also through the use of complementary materials. In this sense, whilst the windows are not historic, it is likely that timber window frames were originally chosen to reflect window materials used within the CA. As a consequence, the building makes a positive contribution to the significance of the CA.
8. The pair of semi-detached properties have uniform fenestration across their front and rear elevations. There would be no alteration to the size of the openings, and the replacement windows would replicate the existing pattern and style of fenestration at the appeal property. However, they would be constructed in uPVC frames, and this would introduce a new material finish to the appeal building that does not currently exist. uPVC is a material that has an artificial texture and a more uniform finish, when new and when ageing, than painted timber windows. The proposed white finish of the uPVC windows could be selected to match the colour of the other windows in the building's elevations as far as possible. Nevertheless, as a result of the material and finish, it is likely that it would still be possible to discern them as discordant insertions that appear incongruous alongside the remaining original windows within the elevations of the other buildings within the development addressing Mill Lane, King Street and Blackfriars Street.
9. The appellant points out that there is no policy which prohibits replacement uPVC windows, and refers to the Council's Heritage Archaeology and Conservation Supplementary Planning Document (2007) (SPD). From the submitted evidence, the SPD suggests that uPVC may be acceptable for replacements for Victorian/Edwardian sash windows, but not Georgian style windows which are divided into six or eight small panes, as the windows at the appeal property are. Regardless, the policy position before me does require new development in a CA to respect its surroundings in terms of choice of materials, which for the reasons set out above, this scheme fails to achieve.
10. My attention is drawn to other planning permissions for uPVC windows in other conservation areas. However, as these are a significant distance from the appeal site, they do not alter my concern about the effect of the proposal on the street scene. I acknowledge that planning permission was granted for replacement windows at 13 King Street (Council Ref: CA/16/02558), with joinery sections which are heavier than the windows they replaced. However, the replacement windows are timber and they therefore have a different effect on the CA than the uPVC windows proposed in this instance. I have also been referred to a planning permission for replacement windows at Marlowe Court, King Street. Whilst I have not been provided with full details of that permission, from the submitted evidence, it appears that this did not involve the replacement of timber windows. I therefore give these examples limited weight, as I cannot be certain that these are directly comparable. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, applications should be determined in the light of the specific circumstances and context of each case.

11. For the above reasons, I conclude that the proposed development, due to the materials and finish of the windows would harm the character and appearance of the host property and the surrounding area. It would therefore fail to preserve the character and appearance of the CA as a whole. I find that it would conflict with Policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan (2017). Collectively, these policies seek to promote development with high quality design that is compatible with the character of the original building in terms of materials, and which conserves and enhance the character and appearance of conservation areas.
12. In failing to preserve the character and appearance of the CA, I find that the proposed development would, in the words of the Framework, result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. I note the appellant considers the proposal would be of benefit because it would improve the property's insulation, thus reducing fuel use. It would also improve security. However, I have not been presented with evidence to demonstrate that uPVC windows would perform significantly better than timber-framed windows in terms of thermal and security performance. As such, I attribute only limited weight to these potential benefits. This does not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Other Matters

13. The appellant indicates that the alteration of windows on the side elevation does not require planning permission. It is not the purpose of this appeal to determine which alterations may not require planning permission, and I have determined the appeal on the basis of the drawings before me.

Conclusion

14. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR