
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/24/3356015

3 The Mint, Church Hill, Harbledown, Kent CT2 9AA

- 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 Jacqueline Moloney against the decision of Canterbury City Council.
 - The application Ref is CA/24/00683.
 - The development proposed is Replacement of wooden bow window with UPVC window of same size, shape and detail.
-

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. As the proposal is in a conservation area (CA) and the appeal property is a non-designated heritage asset (NDHA), 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).
4. At the time of my site visit, I could see that the replacement windows on the front elevation were already in situ, and the appeal is therefore being considered retrospectively. Nevertheless, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.

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 Harbledown CA and the host property's designation as a NDHA.

Reasons

6. The appeal site is a mid-terrace house which is positioned on land a significant height above Church Hill, accessed via a steep flight of external stairs. A number of properties within the terrace retain features characteristic of their period, such as timber windows, timber doors and small canopies above their front doors.

7. The appeal property's front elevation addresses the street and, as a result, is highly visible within the CA. From my observations, the character of this part of the CA and its significance stems from, amongst other aspects, the arrangement of the historic terraced properties and their architectural interest.
8. I acknowledge that several properties within the terrace have uPVC windows, and that there have been variations to the front elevations including painted brickwork and changes to front doors. However, despite this, the general architectural design of properties within the terrace is reasonably consistent, and a rhythmic pattern of fenestration is retained. From my observations, this is of particular importance in this part of the CA, and as a whole. The submitted evidence indicates the appeal property is Georgian and originally contained single glazed timber windows. With its timber windows, small canopy and timber front door, the appeal property made a positive contribution to the character and appearance of the CA.
9. I understand that the replacement windows did not involve alterations to the size of the openings, and sought to replicate the previous pattern and style of fenestration at the appeal property. However, the uPVC frames introduce a new material finish to the appeal building which did not previously exist. uPVC is a material that has an artificial texture and a more uniform finish, when new and when ageing, than painted timber windows. As a result of the finish, the uPVC framing appears bulkier than other timber windows within the terrace. The proposed white finish of the uPVC windows has been selected to match the colour of the other windows in the terrace as far as possible. Nevertheless, as a result of the materials and finish, it is possible to discern them as discordant insertions that appear incongruous alongside the remaining timber windows within the terrace.
10. I acknowledge that modern window materials, such as uPVC, have been used on other residential properties in the terrace. However, many of the front elevation windows within the terrace appear to be timber. The submitted evidence suggests that the changes to other windows were not granted planning permission, but that the changes took place within a timescale which prevents enforcement action being taken. Overall, these other windows do not alter my concern about the harmful contrast with the remaining timber windows in the terrace.
11. Overall, the proposal appears to be visually disruptive to the character of the terrace of buildings and results in a noticeable and harmful change to the host property, which is a NDHA, and the CA in general. As such, the proposal would fail to preserve or enhance the character or appearance of the CA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with Section 72(1) of the Act.
12. In failing to preserve the character and appearance of the CA, I find that the proposal, in the words of the Framework, results 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 that the appellant considers the proposal is of benefit because it improves the property's insulation, thus reducing fuel use, heating bills, and assisting in fighting climate change. It also prevents water ingress, and I understand that the bay window which was replaced was rotten and had been poorly maintained and repaired previously.

13. I am sympathetic to the appellant's concerns in relation to the current climate and energy bills. However, I have not been presented with evidence to demonstrate that alternative measures such as secondary double glazing or replacement timber windows could not provide similar performance improvements. As such, I attribute only limited weight to these potential benefits. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage assets identified above.
14. For the above reasons, I conclude that the proposal, due to the materials and finish of the windows harms the character and appearance of the NDHA host property and the surrounding area. It therefore fails to preserve the character and appearance of the CA as a whole and conflicts with Policies DBE3, HE1, HE6 and HE8 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 that conserves or enhances the character and appearance of conservation areas.

Conclusion

15. 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