



Appeal Decision

Site visit made on 8 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/A1910/D/25/3361320

30 Kitsbury Road, Berkhamstead, Hertfordshire, HP4 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Susan Harvey against the decision of Dacorum Borough Council.
 - The application reference is 24/02896/RET.
 - The development proposed is retention of existing replacement windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon character, appearance and historic significance of the street scene within the Berkhamstead Conservation Area.

Reasons

3. The appeal site is a two storey, mid terraced, dwelling located off Kitsbury Road which stands within the Berkhamstead Conservation Area (CA). The dwelling is noted to stand within an area that is subject to an Article 4(2) direction, restricting permitted development rights since late 2011. As a result of this planning permission is required for alterations to the front elevation, including replacement windows since that date. The original windows were considered an important feature of dwellings along Kitsbury Road which resulted in serving of the Article 4(2) direction as a result of the timber frame and fine glazing bars able to be easily distinguished from other replacement windows with the original windows contributing to the character and appearance of the CA.
4. At the time of my site visit I found that the dwellings along Kitsbury Road are varied and that there are examples of modern windows already in place. The Council outline that such windows were been installed prior to the introduction of the Article 4(2) direction (and that, ultimately, any further or future replacement would require planning permission which would ultimately require a more sympathetic approach than that which has been undertaken beyond the control of the Council to date). It should be kept in mind that character and appearance are separate matters with character being the intrinsic qualities of an area and appearance being associated with more visual implications. In this case the use of timber framing is part of the character of the of CA as outlined – this is separate to design matters.
5. The replacement windows at the appeal site are noted to broadly reflect the design of the original windows in basic terms - two-over-two sash at first floor and two-

over-two with one-over-one sashes to the ground floor bay. Whilst I acknowledge that some attempt has been made to try to reflect the basic design of the original windows, I find that the windows are easily distinguishable, within the street scene, particularly when viewed in the context of the adjacent dwelling. The original timber windows, seen at 31 Kitsbury Road (no. 31) demonstrate that the first-floor sash window originally had a curved head to the upper sash which followed the curve of the window head itself. This has not been replicated within the replacement windows with the curve having been infilled with a solid area of composite frame by comparison. There is then the contrast between the materials themselves.

6. In addition, features such as the trickle vents are more noticeable, by comparison, above the sashes overall highlighting the windows as a more modern replacement in contrast to the original windows. I find that this is exacerbated by the close contrast and immediate views shared with the adjacent property which is a mirror image in architectural detailing and fenestration to the appeal site. I note the appellant's comment regarding the requirement for trickle vents in modern and/or replacement windows, however, even if I disregarded the impact of the trickle vents in question, I still find that the proposal is unacceptable due to the detailing, materials, and visual contrast which I have outlined above.
7. I do not find that the Council's delegated reports suggest that the Council would refuse any windows other than timber as a result of perceived harm to the appearance of the CA, but the article 4(2) direction was as a result of the windows within the locality and to maintain control over replacements. Whilst the Council have stated preference, and support, for like for like replacements in timber incorporating double glazing materials aside, as outlined above, I find that the windows as have been replaced harmful to the character, appearance and the historic significance of the street scene and the CA. I find that it would be apparent to a lay person walking past the building that the windows were not original as a result of direct contrast with the immediately adjacent property at no. 31.
8. I note a number of replacement windows in the street are noticeably at odds with the appearance of original windows, however, I do not find that the presence of unsuitable, modern, replacement windows within Kitsbury Road, which are stated by the Council to have been installed prior to the Article 4(2) direction, to be justification for the proposal that is before me. The introduction of an Article 4(2) direction, restricting permitted development rights, was specifically designed to prevent further erosion and replacement of original windows along Kitsbury Road due to their contribution to the character and appearance of the Conservation Area.
9. People's experience of the CA, in terms of appearance, and the presence of the windows in terms of their impact to character are separate matters. As a result of the matters I have highlighted, I find that the replacement windows would result in less than substantial harm to the Berkhamstead Conservation Area as a designated heritage asset. In accordance with paragraph 215, of the National Planning Policy Framework 2024 (the Framework), where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
10. The proposal before me is for replacement windows to a private residential dwelling and there is no evidence before me, at the point of determination, to suggest that there are public benefits which would outweigh the great weight that should be

given to the less than substantial harm identified to the significance of a designated heritage asset.

11. The proposal would be contrary to Core Strategy 2013 (CS) Policy CS11 which seeks to ensure that development respects general character, CS Policy CS12 which requires development to integrate with the street scape character and CS Policy CS27 which favours the conservation of heritage assets. CS Policy CS27 also confirms that the integrity, setting and distinctiveness of designated heritage assets will be protected, conserved and if appropriate enhanced. The proposal would also be contrary to Local Plan 2004 saved Policy 120 which requires and expects schemes to use materials and adopt design details which are traditional to the area and complement its character as well as, in the case of alterations, being complementary and sympathetic to the established character of the building.

Other Matters

12. I note that the appellant did not set out to intentionally breach planning control, however, the case has been considered on its merits against the relevant Local Plan and this does not overcome the issues I have identified.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR