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## Appeal Decision

Site visit made on 23 August 2016

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5<sup>th</sup> October 2016

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**Appeal Ref: APP/N1350/W/16/3151770**  
**124 High Northgate, Darlington DL1 1UR**

- 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 Mr John Kelly against the decision of Darlington Borough Council.
  - The application Ref 15/01198/FUL, dated 21 March 2016, was refused by notice dated 17 May 2016.
  - The development proposed is reopen ground floor window and fit replacement window.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the 'insertion of replacement windows to front elevation'. The Council dealt with the proposal on this basis and so shall I.
3. The application sought retrospective planning permission. As a result, on my site visit I was able to view the windows, as proposed, in situ. Accordingly, I have considered this appeal in that context.
4. The appeal property is a commercial premises and therefore the alterations undertaken should also be assessed against the saved Policy E38 of the Borough of Darlington Local Plan 1997 (the Local Plan). Whilst not referred to in the Council's reason for refusal, both the Council and the appellant have indicated in evidence that Policy E38 should be considered in the assessment of this appeal. Therefore, I have had due regard to it in my decision.

### Main Issue

5. The main issue of the appeal is whether the replacement windows preserve or enhance the character or appearance of the Northgate Conservation Area.

### Reasons

6. The appeal site is located within the Northgate Conservation Area (CA) which is the subject of an Article 4(2) Direction made in 2006. The appeal property is in a prominent position on a main route into the town centre. It is an end of terrace former dwelling which has been converted into commercial premises and appears to have been in such use for many years. The surrounding area is characterised by a mix of architectural styles and designs as well as uses
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including retail, residential and commercial. Furthermore, whilst there is a similar mix of styles of windows, sliding sash windows are prevalent in the surrounding area and particularly so, in relation to the first floor windows of the adjoining property at 120 – 122 High Northgate.

7. The CA is designated for its historic links with the birth of the railways and contains properties associated with this, which date back to the 1830s. Whilst I appreciate that the restrictions associated with the Article 4(2) Direction may only apply to residential properties, the overall aim is to encourage the retention of the historic architectural features of buildings and to preserve and enhance the character of the CA. In order to achieve this effectively, I find it reasonable to seek similar outcomes through the non-residential properties of the CA.
8. The new windows have replaced two timber sliding sash windows on the first floor, which appear to have been original features of the property, and a timber framed window partially filled in at ground floor level. The replacement windows are prominent in the streetscene due to their striking frames which contrast with the brick and render of the property. The modern and unsympathetic style of the windows, incorporating the thin vertical and wide horizontal glazing bars, does not reflect the character of the building. Furthermore, these features within the windows are disproportionate to each other, differ in appearance between the ground and first floor windows and do not reflect the character and appearance of a diminishing original architectural feature of the CA which the Council is seeking to protect.
9. The prominence of these windows is exacerbated by the end of terrace position of the property and its forward projection from the building line on that side of the street. In addition, the hinged openings of the replacement windows do not reflect the features of the original sliding sash frames of the property.
10. There are examples nearby where replacement windows have been permitted in the CA. This has led to an erosion of the original fenestration in the area and a loss of the character and appearance associated with timber sash windows. The Council acknowledges that uPVC windows in nearby dwellings have been granted but only where original windows have already been lost and the replacement windows were of a sliding sash design. In addition, it is likely that in many cases, such replacements were undertaken prior to the Article 4(2) Direction being put in place or where the windows being replaced were not original to their property. Notwithstanding this, only a few original examples now remain. Therefore, the loss of the timber framed windows in this case has a material detrimental effect on the character and appearance of the area.
11. As a commercial premises, I acknowledge that the appeal building has different requirements to residential properties, particularly in terms of security. As a result, although not referred to in the Council's reason for refusal, the scheme should be considered against the saved Policy E38 of the Local Plan. Policy E38 seeks to ensure that alterations to business and retail premises have no material adverse effect on the character and appearance of the host building or of the streetscene in which the building is located. The policy sets out criteria against which proposals are to be assessed. These include the retention and restoration rather than replacement of frontages which contribute to the character of the building or streetscene and security measures, including specialist glazing.

12. I appreciate the benefits of the replacement windows in relation to alternative measures such as bars and roller shutters and of secondary glazing, amongst other things, with regard to security and restricting potential escape routes. However, where the presence of original sliding sash windows in the area is diminishing, I find that considerable weight should be given to retaining and restoring the original frontage of the building within the streetscene and the wider CA. The removal of the original windows and their replacement with unsympathetic and inappropriately designed windows results in a material detrimental effect on the character and appearance of the building and the wider area.
13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The resulting loss of the original timber framed sash windows and insertion of the new windows has had a harmful impact on the host building and the character and appearance of the area to which I give significant weight. As a result, the scheme fails to preserve or enhance the character or appearance of the CA. I consider that the harm to the CA as a whole is 'less than substantial' in terms of Paragraph 134 of the National Planning Policy Framework (the Framework). Therefore, it should be weighed against the public benefits of the proposal.
14. I acknowledge that the benefits of, and reasons for, the installation of the replacement windows relate to security, energy efficiency and cost, amongst other things. However, whilst I appreciate their importance, given my findings above, I find that none of these benefits or reasons, either individually or cumulatively, outweigh or justify the harm I have identified.
15. Having had read to all of the above, I conclude that the replacement windows have had a material harmful effect on the character of the host property and the surrounding area and do not preserve or enhance the character or appearance of the CA. The development is therefore contrary to Policy CS14 of the Darlington Core Strategy 2011, Policy E38 of the Local Plan and the Framework. Amongst other matters, these policies seek to protect and enhance the quality and integrity of Darlington's nationally significant built heritage assets, as well as its character, distinctiveness and importance within conservation areas and ensure that any alterations to a building are well designed and sympathetic to the scale, proportions and character of the building and the streetscene.

### **Conclusion**

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew McCormack*

INSPECTOR

