



Appeal Decision

Site visit made on 5 July 2011

by **P J Asquith MA(Hons) MA MRTPI**

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

Decision date: 15 July 2011

Appeal Ref: APP/N1350/D/11/2152987

17 North Lodge Terrace, Darlington, DL3 6LZ

- 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 Mazidur Rahman Choudhury against the decision of Darlington Borough Council.
 - The application Ref. 10/00841/FUL, dated 10 December 2010, was refused by notice dated 15 March 2011.
 - The development proposed is described as new UPVC windows to front.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the impact of the proposal on the appearance and character of the Northgate Conservation Area.

Reasons

3. The appeal property is within the midst of a lengthy terrace of brick and slate-roofed dwellings of the Victorian era. It lies within the extensively-drawn Conservation Area stretching northwards from the town centre and which hereabouts is characterised by well-established terraced housing facing onto the formal open expanse of the North Lodge Park. To its front elevation No. 17 has a two-storey bay window with a dormer window above and these, together with a further first floor window above the front door, have been fitted with casement windows of UPVC framing. The application now the subject of this appeal was made retrospectively after these windows had been fitted in replacement for previous timber sliding sash windows, the need for permission resulting from a Direction made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 removing certain 'permitted development' rights.
4. The terrace is now characterised by windows of differing styles and materials with some houses clearly having originally-styled timber sliding sashes but also with many having casements of UPVC. The Council indicates that the number of UPVC windows was one of the reasons for the introduction of the Article 4(2) Direction in 2006, the aim of this being to encourage the retention of historic and period architectural features to building exteriors and to preserve and enhance the character of the Conservation Area of which they are a part.

5. Notwithstanding the presence of other windows within the terrace of similar design and materials, I consider the windows as fitted do not serve to preserve or enhance the character or appearance of the Conservation Area. Their design does not replicate that of the wooden sashes that remain within the terrace in terms of their profiles, method of opening and their differently-proportioned upper lights. UPVC has a different patina to painted timber and, combined with the window design, this emphasises their unsympathetic appearance and nature. Although UPVC windows have been fitted to a number of properties to the immediate north within the terrace, the windows in the appeal property stand out in sharp contrast to the remaining timber sashes in No. 18, the adjoining house to the immediate south.
6. I accept that the windows have been inserted within the existing dividing brickwork of the double-height bays, unlike other examples within the terrace where the brickwork has been replaced by structural elements of UPVC windows. This to some degree lessens their harmful impact. Nonetheless, this is not to such a degree that they can be considered acceptable. Planning Policy Statement 5 *Planning for the Historic Environment* requires account to be taken of the desirability of development making a positive contribution to the character and local distinctiveness of the historic environment. In my view, the proposals do not make a positive contribution to the appearance of this period property and they further help to erode the character of the area.
7. I have some degree of sympathy with the appellant, it being stated that the works were undertaken without the realisation that permission was required. However, to condone the proposal would seriously undermine the Council's position in resisting further such schemes which, cumulatively, would serve to further detract from the architectural and historic quality of the housing that is subject to the Article 4(2) Direction within the Conservation Area. I have also noted the comments made on behalf of the appellant regarding the notification of the Article 4(2) Direction and the subsequent publicity and information regarding its existence upon which the Council may wish to reflect as to its efficacy in alerting owners of its requirements.
8. The Council's report on the application subject to appeal refers to a decision of my colleague Inspector in respect of replacement windows at No. 1 North Lodge Terrace¹. In allowing that appeal the Inspector made it clear that replacement windows should match the proportions of the sashes of remaining original windows in the area and he imposed a condition requiring the agreement of details. He also found that the windows to be replaced were very different to the remaining originals in the area; were in a poor state of repair; and that if that appeal had been dismissed the likelihood would have been their retention and patching up, which would not have benefited the appearance of the Conservation Area. The circumstances relating to that appeal are therefore significantly different. They do not lend cogent support to the present proposal, which, for the reasons given, are unacceptable because they neither preserve nor enhance the appearance or character of the Conservation Area.

P J Asquith

INSPECTOR

¹ Ref. APP/N1350/D/10/2140222