



Appeal Decision

Site visit made on 20 December 2010

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

Decision date: 30 December 2010

Appeal Ref: APP/N1350/D/10/2140222

1 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 Miss Barbara Wilkinson against the decision of Darlington Borough Council.
 - The application Ref 10/00463/FUL, dated 13 July 2010, was refused by notice dated 3 September 2010.
 - The development proposed is replacement of windows at front of property and two side windows.
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Decision

1. I allow the appeal, and grant planning permission for replacement of windows at front of property and two side windows at 1 North Lodge Terrace, Darlington, DL3 6LZ in accordance with the terms of the application, Ref 10/00463/FUL, dated 13 July 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with details and samples of the precise design(s) of the proposed windows which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Northgate Conservation Area.

Reasons

3. Although timber framed, the design of the appeal property's existing front and side windows is very different from the remaining original windows in the area and, indeed, from most of the replacement ones. Moreover, the windows are in an obviously poor state of repair giving the dwelling a run down appearance, harmful to the character and appearance of the Northgate Conservation Area.
4. Whilst detailed plans have not been submitted it is indicated that the proposed windows would be similar to the upvc ones at 4 North Lodge Terrace. I note that the basic design, and the thickness of the frames, of these windows are not materially different from the original timber windows in the vicinity, albeit that the proportions of the upper and lower parts of the sashes are different from that originally characteristic of the area. I recognise that upvc reflects

light differently from wood and that, thus, the two types of window are unlikely to ever appear identical. However, assuming the frames of the proposed windows were to be similar to those at no 4 and that the proportions of the sashes were to match the original windows in the area (which could be secured by condition) I consider that the appeal proposal would result in a significant enhancement in the appearance of the Conservation Area in comparison with the property's existing windows. Consequently, whilst I note English Heritage's cited concerns about unsympathetic upvc windows, the proposal has no conflict with *Planning Policy Statement 5: Planning for the Historic Environment*.

5. I accept that timber framed, double glazed windows of a design matching the original windows in the vicinity would be likely to bring about an even greater improvement in the appearance of the area, although I note that the appellant argues that the value of the properties does not justify the expense of such windows. Whilst the Council refers to recent investments in the area and the introduction of the Article 4 Direction it does not identify any dwellings with such replacement windows and nor, on my visit, did I see any. If I were to dismiss the appeal it appears most likely to me that the existing windows would be patched up and retained and that the appeal proposal's benefits to the appearance of the Conservation Area would not be achieved.
6. For the above reasons I conclude that the appeal should be allowed. In addition to the standard implementation condition it is necessary to require the approval of details of the precise design of the windows for the avoidance of doubt and to ensure that they are appropriate to the appearance of the Conservation Area.

Malcolm Rivett

INSPECTOR