

PLANNING COMMITTEE – 24 SEPTEMBER 2015

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 15/504839/FULL			
APPLICATION PROPOSAL Removal of existing timber windows and installation of new brown UPVC windows			
ADDRESS Tannery Court Kings Mill Close Sittingbourne Kent ME10 2AZ			
RECOMMENDATION – REFUSE subject to no further fresh issues being raised by 22 September 2015 and additional details of the fenestration			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Contrary to local plan policies for development within a Conservation Area			
REASON FOR REFERRAL TO COMMITTEE Councillor Coleman requests that the planning application is reported to the Planning Committee.			
WARD Milton Regis	PARISH/TOWN COUNCIL	APPLICANT Amicus Horizon AGENT	
DECISION DUE DATE 16/09/15	PUBLICITY EXPIRY DATE 16/09/15	OFFICER SITE VISIT DATE 01/09/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/74/0213	Residential Development	Granted	31.01.74
SW/77/0663	Residential Development	Granted	25.10.77
SW/79/0626	Erection of 10 No 4 Person Houses, 3 No 4 Person Single Aspect Houses 4 No 2 Persons aged Persons Flats	Granted	29.11.79
SW/86/0836	Housing Development consisting of 20 no flats for the aged	Granted	17.3.87

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Tannery Court, Milton Regis is a residential development comprising of flats located in the Milton Regis High Street Conservation Area. The application site is within central Milton Regis, located at the southern end of the High Street. The site is bound by residential homes to the south and west, the High Street to the east and manufacturing workshops to the north.

- 1.02 Tannery Court is a relatively modern building (1970s) with a jettied first floor and a steeply pitched roof with dormer windows which are a clear reference to the medieval buildings and forms of Milton. Its design takes its inspiration from local vernacular architecture. The palette of materials includes local yellow stock bricks, render, clay tiles and timber casement windows, all clearly intended to reinforce local distinctiveness and reference the character of existing buildings in Milton Conservation Area.

2.0 PROPOSAL

- 2.01 This application is seeking permission for the removal of existing timber windows with replacement brown UPVC windows. The timber doors are also to be replaced with aluminium doors, although one would be composite material.
- 2.02 The proposed windows would be brown on the outside and white inside. The proposals include alterations to the design of the windows and doors. Horizontal subdivisions would be introduced where none existed and top lights added where traditional side hung casements currently prevail.
- 2.03 Members should be aware that the Council has given conservation and design advice to Amicus Horizon on replacement windows at Tannery Court over a period of 13 years. There is no question that the timber windows are reaching the end of their life and need to be replaced. Replacement with good quality high performance double-glazed timber windows and doors has been encouraged and would most likely not require planning permission.

3.0 PLANNING CONSTRAINTS

The site is located in the Milton Regis High Street conservation area.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

Paragraph 128 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Swale Borough Local Plan 2008

Policies E1 (General Development Criteria); E15 (Development affecting a Conservation Area) and; E19 (Design Criteria) .

In particular, Policy E15 sets criteria for development within a conservation area. Planning permission will be granted if it:

- a. responds positively to its conservation area appraisals where these have been prepared;
- b. retain the layout, form of streets, spaces, means of enclosure and buildings, and pay special attention to the use of detail and materials, surfaces, landform, vegetation and land use;
- c. take into account the current or likely resulting ambience provided by the mix of land uses or traffic
- d. remove features that detract from the character of the area and reinstate those that would enhance it; and
- e. retain unlisted buildings or other structures that make, or could make, a positive contribution to the character or appearance of the area.

5.0 LOCAL REPRESENTATIONS

5.01 The Ward Member, Councillor Katy Coleman, “called in” the application to be reported to the Planning Committee.

5.02 Three letters of support have been received from local residents. A summary of their comments is as follows:

- The proposed changes to the windows will enhance the look of the building in keeping with buildings in immediate surroundings
- As the age group of the residents living in Tannery Court range from 55 to 93, it will provide a better quality of life for all concerned
- Tannery Court is home to a large number of people on low incomes and double glazing is required to reduce fuel costs.
- The new windows would keep the draught, rain and noise out as well as keeping the heat in.

5.03 The deadline for comments on the site notice is 22.09.15 and this report is subject to the receipt of additional comments which will be reported at the meeting.

6.0 CONSULTATIONS

None

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and drawings referring to application reference 15/504839/FULL

- 7.02 Pre application advice was sought by the applicant for replacement UPVC windows and a response sent on 30/04/15 strongly recommending the use of good quality timber replacement windows which if they followed the general pattern of the existing ones would not require planning permission.

8.0 APPRAISAL

Principle of Development

- 8.01 The main consideration in the determination of this planning application is the impact of PVCu windows on a building which falls within the Milton Regis Conservation Area. The Council's prime consideration is its statutory duty under the Act to have special regard to the desirability of preserving or enhancing the character or appearance of Milton Conservation Area.

Visual Impact/Impact on Conservation Area

- 8.02 The character of Milton Conservation Area derives largely from its early development as a Medieval port. Traditional building forms, traditional building materials and traditional architectural details are fundamental to the special character of the conservation area. The few buildings in the conservation area which depart from using traditional building forms, materials and details are notable exceptions and tend to detract from the character of the conservation area.
- 8.03 The proposals involve the extensive use of brown and white uPVC windows and aluminium doors, with one composite door. As is always the case with uPVC, relatively slender and lightly detailed timber windows are replaced by sections which are substantially heavier and sometimes two or three times deeper than their timber equivalents. Therefore, I have asked the applicant to provide drawings of the existing sections and we are awaiting their response. I consider that the proposed fenestration designs will have a marked and detrimental effect on the architectural integrity of the elevations. Horizontal subdivisions are introduced where none existed and top lights added where traditional side hung casements currently exist. The texture, the stormproof detailing of the casements and the methods of construction all result in windows which will sit uncomfortably in a conservation setting.
- 8.04 The proposal to replace one timber door with a uPVC door with integral "Georgian" fanlight is a particularly inappropriate type of door for use in a conservation area in my view. The other timber doors would be replaced with brown and white aluminium doors. Whilst little detail of the proposed aluminium doors is provided in the application, I consider that their material and character will be a poor substitute for the existing timber doors because of their texture, construction and appearance.
- 8.05 It could be argued that the energy efficiency of the installation of the uPVC windows weighs in favour of the proposal. However, uPVC is an inherently unstainable material. The manufacturing relies on extracts from crude oil so it increases dependency on non-renewable resources. UPVC window

manufacture consumes eight times the energy used to manufacture a timber window and the production and disposal of uPVC releases hundreds of tonnes of dioxins and other highly toxic chemicals into the environment every year. It is still extremely difficult and uneconomic to recycle uPVC, it does not biodegrade and most goes to landfill.

- 8.06 Timber windows and doors which are manufactured from sustainably managed forests, on the other hand, have environmental benefits. Forests act as “carbon sinks” reducing greenhouse gasses and mitigating the effects of global warming. I am not therefore convinced that the introduction of uPVC windows would have significant benefits to the environment if considered as a whole process and any benefits that might be identified in terms of energy efficiency would not outweigh the harm identified above.
- 8.07 The applicant makes reference to a small house close to Tannery Court where uPVC windows were installed in recent years with planning permission. The windows in question replaced very poor “Tudor” style lead light windows and created a uniform appearance with adjoining properties. Permission was granted on that occasion because the development improved on the existing position. It certainly does not set a precedent for the replacement of the many windows and doors on this large and prominent building within the Milton Regis Conservation Area.

Other Issues

- 8.09 The proposed windows would not introduce any additional overlooking of surrounding properties.
- 8.10 The proposed windows and doors will have a marked effect on the character and appearance of Tannery Court and of the conservation area. The extensive use of uPVC and aluminium in place of timber will create a tension between the traditional design concept of Tannery Court and will cause harm to the character and appearance of the conservation area where traditional materials and details prevail. I conclude that the development fails the statutory test and as such permission should be refused.

9.0 CONCLUSION

- 9.01 This application for the removal of existing timber windows and installation of new brown UPVC windows is not considered acceptable, having a detrimental impact on the character and appearance of the Conservation Area. Crucially, the proposed windows and doors would fail to preserve or enhance the Milton Regis Conservation Area and would therefore fail the statutory test. I therefore recommend that permission be refused.

- 10.0 RECOMMENDATION** – REFUSE subject to the receipt of additional plans and no new fresh issues being raised closing date for representations is 22 September 2015 for the following reasons:

1. The proposals would be of a poor standard of design and of an inappropriate material, resulting in windows which would sit uncomfortably within the building and in the Milton Regis Conservation Area setting. As such, the proposal would be detrimental to, and would fail to preserve or enhance, the character and appearance of the Conservation Area contrary to policies E1, E15, E19 of the Swale Borough Local Plan 2008.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.