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## Appeal Decision

Site visit made on 28 April 2015

by **Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 8 May 2015**

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**Appeal Ref: APP/V2255/D/15/3004372**  
**13 Briton Road, Faversham, Kent ME13 8QH**

- 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 G Pinder against the decision of Swale Borough Council.
  - The application Ref 14/502761/FULL, dated 28 July 2014, was refused by notice dated 26 November 2014.
  - The development proposed is "replacement of 8 vintage range box sash replica windows".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in the appeal is the effect of the proposed windows on the character and appearance of the area, including their effect on the Faversham Conservation Area.

### Reasons

3. Briton Road is within the Faversham Conservation Area and comprises terraced houses built around the end of the 19<sup>th</sup> century and early 20<sup>th</sup> century. The appeal property was originally built as one of a pair of houses but it adjoins a later terrace. The repetition of the ground floor bay windows and the similarity of the house designs provide a unified appearance to the street. Although there are uPVC windows in a number of properties, a significant proportion retain their original timber sash windows.
4. The Council has issued an Article 4(2) Direction the details of which are not before me but I understand that this restricts the installation of replacement windows without obtaining planning permission. An interested party advises that this applies to the front elevations of buildings.
5. On my visit I saw that the proposed replacement windows have been installed at the rear of the property. They are recessed within their openings and I accept that they resemble the original sash windows quite closely in terms of their design and appearance. However they are clearly distinguishable from the original windows in terms of the thickness of the meeting rails which are much more substantial than the originals. The cills and bottom rails also differ from the originals. For these reasons the proposed windows would be noticeable on the street elevation as being different from the original windows

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in adjacent and nearby properties, including those in N<sup>o</sup> 11 which was built together with the appeal property.

6. I note that uPVC windows were approved by the Council in 2009 at 18 Briton Road<sup>1</sup> but the photograph which has been supplied of the previous windows in that property shows that they were modern in design and not original. Although a number of other properties on the street have uPVC windows no evidence has been provided to indicate that they have been approved since the Article 4(2) Direction was issued.
7. For the above reasons I conclude that the proposed windows would not preserve or enhance the character or appearance of the Faversham Conservation Area. The proposal would not accord with the requirement of policy E15 of the Swale Borough Local Plan (LP) (2008) which is to pay special attention to the use of detail and materials in Conservation Areas.
8. I conclude that the harm to the Conservation Area would be less than substantial because the proposed windows would resemble the original windows in many respects. I take into account the benefits in terms of providing thermal efficiency, security and safety in case of fire but these do not outweigh the less than substantial harm that I have identified.
9. For the reasons given the proposal would not reinforce local distinctiveness as required by policy E19 of the LP. It would not reflect the positive characteristics and features of the site and locality and would not accord with policy E1 of the LP.
10. I note that proposals for replacement windows may be considered differently in other local authority areas but circumstances differ and this does not alter my conclusion which is that the proposed windows would detract from the character and appearance of the area.

#### **Conclusion**

11. For the above reasons I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

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<sup>1</sup> Ref SW/08/1146