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## Appeal Decision

Site visit made on 7 February 2019

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 25<sup>th</sup> February 2019

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**Appeal Ref: APP/C3620/D/18/3216929**

**10a Queen Annes Terrace, Leatherhead, Surrey, KT22 7HR.**

- 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 Mylene Wilson against the decision of Mole Valley District Council.
  - The application ref: MO/2018/1376/PLAH, dated 8 August 2018, was refused by notice dated 24 October 2018.
  - The development proposed was originally described as "New windows."
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### Procedural/Preliminary Matters

1. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the information before me that the development comprises the replacement of three ground floor bay timber windows with double glazed uPVC windows and timber front door with uPVC door. The Council dealt with the proposal upon this basis and so shall I.
2. The Government published an updated and revised National Planning Policy Framework on 19 February 2019. However, none of the changes to national policy set out in the revised Framework affect my consideration of this appeal.

### Decision

3. The appeal is allowed and planning permission is granted for replacement of three ground floor bay timber windows with double glazed uPVC windows and timber front door with uPVC door at 10a Queen Annes Terrace, Leatherhead, Surrey, KT22 7HR, in accordance with the terms of the application ref: MO/2018/1376/PLAH, dated 8 August 2018, subject to the following conditions:
  - 1) The works to replace the remaining two ground floor timber bay windows shall match in form, appearance, materials and colour the uPVC bay that has already been installed.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – not to scale; photographic images of replacement windows and door.

## **Main Issue**

4. The main issue in this case is the impact of the replacement uPVC windows and front door upon the character and appearance of the Leatherhead Conservation Area.

## **Reasons**

5. The subject property comprises the end one of a terrace of late Victorian or Edwardian houses. The surrounding area, which is residential in character, includes a mix of both older terraced houses and more modern detached and semi-detached properties.
6. The appeal site is located within the Leatherhead Conservation Area, which includes much of the town centre together with its associated Victorian and Edwardian suburbs. The designated area is described as being diverse in its character and appearance and has pockets of very intimate and small scale townscapes.
7. National policy at Chapter 12 (Achieving well-designed places) of the Framework<sup>1</sup> seeks to ensure that developments will function well and add to the overall quality of the area. Policy CS 14 of the adopted Core Strategy<sup>2</sup> similarly requires all new development to respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available. "Saved" Policy ENV39 of the Local Plan<sup>3</sup> also requires, amongst other matters, that developments should reflect local historic character, form and materials. Traditional architectural details shall be retained.
8. In my consideration of these proposals I have had regard to the statutory duty imposed upon me by virtue of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. I have also had regard to national policy at Chapter 16 (Conserving and enhancing the historic environment) of the Framework.
9. The Leatherhead Conservation Area comprises an important heritage asset. As such, paragraph 193 of the Framework requires me to give great weight to its conservation.
10. Mindful of the fact that even within designated Conservation Areas owners of property are able to benefit from certain rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO') the Council has introduced additional controls by means of Article 4 Directions.
11. The Article 4 Direction relating to Queen Annes Terrace and dated December 1997 requires owners to submit a planning application for works that were previously permitted by the GPDO, including replacement of original wooden windows and doors. It states that: "In general, original features should be retained and repaired, rather than being replaced. The use of uPVC windows is almost always unacceptable and even double glazing in timber may not be viewed favourably ..."

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<sup>1</sup> The National Planning Policy Framework (as updated and revised February 2019).

<sup>2</sup> The Mole Valley Local Development Framework: Core Strategy (October 2009).

<sup>3</sup> The Mole Valley Local Plan (October 2000).

12. I fully support the Council's aims in seeking to preserve the character and appearance of the designated Conservation Areas. I further acknowledge that in most cases the use of uPVC as opposed to timber can be harmful to the overall appearance of an individual building and hence the wider Conservation Area.
13. Notwithstanding these comments, I noted from my site visit that a number of the Victorian/Edwardian terraced houses within the vicinity of the appeal site have been fitted with replacement uPVC windows. Although many properties have retained their original wooden sash windows, the use of uPVC is not damaging to the overall character of the area as described in the Conservation Area Appraisal.
14. In the subject case, one of the ground floor bay windows has already been replaced using uPVC. The new window is to a high quality and has been well designed to largely mimic the dimensions and features of the original timber bay. Moreover, it does not suffer from problems of condensation and mildew, both of which were clearly visible in the case of the remaining originals.
15. It is obvious that the existing front door is not original. The replacement door would be identical in appearance, other than in the use of uPVC as opposed to timber. Here again, however, the use of a non-traditional material would not be particularly noticeable, other than from a close inspection.
16. Given that many of the front doors in Queen Annes Terrace and in the adjacent terraces within the Conservation Area are not the originals, I conclude that the replacement door as proposed would preserve this varied treatment and use of materials.
17. My decision in this case is finely balanced. However, I have been influenced by the quality and design of the replacement front door and windows. It is also the case that a number of the Victorian/Edwardian terraced properties within the Conservation Area have replaced their windows and doors using uPVC.
18. I therefore find upon the main issue that the replacement of the three ground floor bay windows and the front door using uPVC materials would preserve the varied character and appearance of this part of the Leatherhead Conservation Area and that development as proposed would accord with the thrust of national policy in the Framework as referred to above, Policy CS 14 of the Core Strategy and "saved" Policy ENV39 of the Local Plan.

### **Conditions**

19. The Council has put forward a total of two conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Planning Practice Guidance.
20. I do not consider suggested Condition 1 (materials to match those used in the existing building) to be appropriate in this case. I have imposed an amended condition, which requires the remaining replacement bay windows to match the uPVC bay that has already been installed. This will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
21. Condition 2 is necessary in order to provide certainty.

**Conclusion**

22. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR