



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
22 JANUARY 2020**

Application Number	19/01206/HOUSE
Location	7 Victoria Road, Maldon
Proposal	Replacement of existing timber windows with UPVC double glazed windows
Applicant	Mr Lonergan
Agent	Mr Lonergan - Paul Lonergan Architects
Target Decision Date	13.01.2020 - EOT requested for 23.01.2020
Case Officer	Hayleigh Parker-Haines
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Mayes Reason: Policies D1, D2, D3, S1, H4 of the Local Development Plan (LDP)

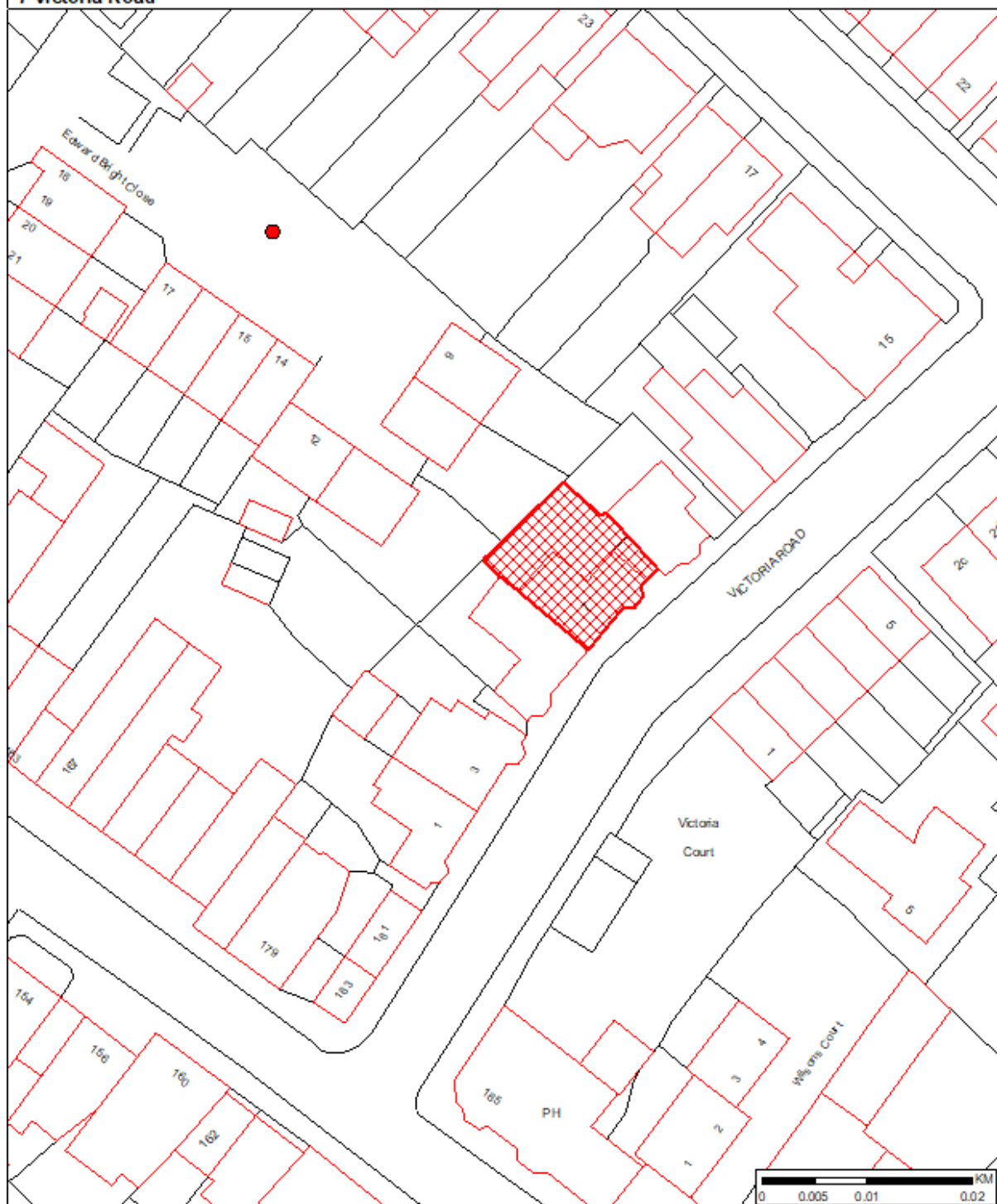
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

19/01206/HOUSE
7 Victoria Road



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Victoria Road and falls within the settlement boundary and conservation area of Maldon. The application site is also covered by an Article 4 direction which prohibits the replacement of windows and doors in an elevation of any dwellinghouse fronting a highway or open space without gaining planning permission, this is in place to maintain the original style and materials of front windows and doors. The site is occupied by a two-storey semi-detached dwellinghouse.
- 3.1.2 Planning permission is sought for the replacement of all the existing timber framed windows with UPVC windows.

3.2 Conclusion

- 3.2.1 The proposed development, due to the use of UPVC, is considered to detrimentally impact upon the character and appearance of the building, the streetscene and the conservation area. It is therefore considered the proposal would be contrary to policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the Maldon District Design Guide (MDDG) and the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering the external appearance of an existing building is considered acceptable in line with policies S1 and H4 of the approved LDP

5.2 Design and Impact on the Character of the Area and the Listed Building

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental in creating better places to live and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.2.5 In accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the Conservation Areas and the features of special architectural or historic interest appearance within them. The Council is required to grant permission that is considered to be of good quality design and that will preserve or enhance the character and appearance of the Conservation Area. Furthermore, in accordance with section 66(1) of this Act, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.6 In addition, policy D3 is also applicable as the application site is within the Maldon Conservation Area and is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other aspects, to preserve or enhance its special character, appearance, setting including its streetscape and landscape value and any features and fabric of architectural or historic interest.
- 5.2.7 A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” The Planning (Listed Building and Conservation Areas) Act 1990. This special character will come from a range of factors including the design of the buildings as well as the materials used. The Council seeks to preserve and enhance the characteristics of the Conservation Area that makes a significant contribution to the area. Therefore, existing features of the area and its buildings; which contribute to the character and appearance should be retained and original external features of buildings should be repaired rather than replaced.
- 5.2.8 The proposed development would impact on the principle elevation of the host dwelling and therefore would be highly visible within the public realm and it is considered that the proposed development would have an impact on the special character and appearance of the site and the surrounding conservation area.
- 5.2.9 The properties in Victoria Road have many architectural details and the use of these embellishments emphasises the importance of the area within the locality. The windows are also important. They vary in size so that largest window is the bay window on the ground floor and they reduce in size on the upper floors. Although some of the windows of the buildings in the immediate vicinity have been replaced, several of the properties retain the original sliding sash windows which reinforces the value of the traditional features. Thus, overall, the fenestration is a vital part of the architectural style and design of the terrace and as such forms an important constituent element, which contributes to the overall character of the conservation area.
- 5.2.10 Clearly, by virtue of their location, the proposed windows are exposed to wider views and would form part of the general streetscene being readily visible from the public domain. Whilst the proposal is a facsimile of a traditional form of sash window, the encasement would be plastic with marginally larger frames and of a profile to accept double glazing. Said frames would have a more shiny and reflective finish when

compared to painted timber; and the modern window furniture that accompanies the design of proposal results in a greater deviation from the traditional form one would reasonably expect to see in a designated area. The nature of uPVC means that the frames would have a flat, uniform appearance and lack the finesse of the detailing found in timber windows. Further, because the windows are formed of standard components their section and detail, in terms of mouldings, are not a reflection of more traditional forms of design. Moreover, it appears that the glazing bars are stuck on and therefore would not divide the glazing into separate units, instead sitting on top of the glass. If they were stuck onto the external face of double-glazed unit, they would create a false vertical glazing strip, which would appear crude and flimsy. However, if inserted inside the glazed unit they would lack the depth and shading of traditional glazing bar profiles. Thus, overall the proposed windows would present as a visually jarring addition. This would emphasise the visual unsuitability of the material and the design of the windows within the building and the street scene within the conservation area.

- 5.2.11 Therefore, it is considered that the proposed UPVC windows would erode the traditional character and appearance of the host dwelling and whilst it is acknowledged that the proposed replacement windows seek to mimic the design and appearance of traditional timber sash windows, it is considered that the basic design, chunky detailing and materials would appear discordant with the existing character of the dwelling. Furthermore, the proposed replacement windows are considered to appear as heavier and discernibly different in material and character in comparison to the appearance of the timber sashes on this window and on other neighbouring dwellings. Therefore, it is not considered that the proposed development would preserve the special character and appearance of the Conservation Area.
- 5.2.12 Furthermore, Maldon District Council's Specialist in Conservation and Heritage has raised objections to the proposed replacement windows, informing that the proposal will cause less than substantial harm to the character and appearance of the site and the surrounding conservation area.
- 5.2.13 The NPPF requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
- 5.2.14 The proposal would provide limited public benefits including improved energy efficiency and the associated improvement to the living accommodation. The Framework states that local planning authorities should actively support energy efficiency improvements to existing buildings. However, the proposal would not provide enough benefit to outweigh the less than substantial harm that would be caused. The same benefits could be provided by windows that paid better attention to their aesthetic and historic context as shown on the neighbouring property at No.5 Victoria Road (19/00619/HOUSE). Therefore, the public benefit is limited and does not outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset, or the conflict the works would have with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and saved Policies of the MDLDP (2017) as they relate to the quality of development and the preservation or enhancement of the character or appearance of

conservation areas.

- 5.2.15 Therefore, it is considered that the proposed development is contrary to policies D1, D3 and H4 of the LDP and Government Guidance.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The application site is bordered by five neighbouring properties, to the north west are No.6, No.8 and No.10 Quest Place, to the north is No. 9 Victoria Road and to the south is No.5 Victoria Road. Due to the nature of the proposed works and that no additional windows are proposed it is not considered that the proposed development would result in an unacceptable impact on any of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed development would not result in any additional bedrooms within the property or the existing access and parking provision provided on site. Therefore, there are no concerns in relation to parking and highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.

In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

- 5.5.2 The proposed development would not result in the loss of any private amenity space. Therefore, there are no concerns in relation to the private amenity space.

6. ANY RELEVANT SITE HISTORY

- **10/00744/TCA** – Removal of holly tree and replacement with several fruit trees – Allowed to proceed (4.10.2010)

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No response	N/A

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Conservation and Heritage	The replacement of the existing painted-timber windows with plastic windows would erode the traditional character and appearance of this prominent building, to the detriment of this part of the conservation area. It is considered that the proposed windows would appear as a crude imitation of traditional timber windows and that the proposed windows would appear discordant, heavy and discernibly different in material and character in comparison to the existing windows. The proposal will cause less than substantial harm to the significance of the conservation area.	Comments noted.

7.3 Representations received from Interested Parties

7.3.1 No representations have been received at the time of writing the report.

8. REASON FOR REFUSAL

- 1 The proposed development, due to the design and use of unsympathetic materials, would result in detrimental harm to the character and appearance of the building, the streetscene and the surrounding conservation area. The proposal would therefore be contrary to policies D1, D3 and H4 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.