



Appeal Decision

Site Visit made on 19 October 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/W0734/W/20/3255427

4 The Crescent, Linthorpe, Middlesbrough TS5 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr S Akbar against the decision of Middlesbrough Council.
 - The application Ref 20/0061/FUL, dated 31 January 2020, was approved on 26 May 2020 and planning permission was granted subject to conditions.
 - The development permitted is single storey extension to side to provide residential annex (demolition of existing single storey extension to side).
 - The condition in dispute is No 4 which states that: Windows/doors - The materials of the windows and doors incorporated within the extension hereby approved shall be timber only.
 - The reason given for the condition is: To ensure the use of satisfactory materials to retain the character and appearance of the Conservation Area in accordance with paragraph 192, 194 and 196 of the NPPF and policies CS4 and CS5 of the Core Strategy.
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Decision

1. The appeal is allowed and planning permission Ref 20/0061/FUL for single storey extension to side to provide residential annex (demolition of existing single storey extension to side) at 4 The Crescent, Linthorpe, Middlesbrough TS5 6SE granted on 26 May 2020 by Middlesbrough Council, is varied, by deleting condition No 4 and substituting for it the following condition:
 - 4) Windows/doors - The above ground development hereby approved shall not be commenced on site until a scheme of window and door details has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify;
 - a) the design of the windows and doors,
 - b) the materials (such as uPVC),
 - c) the colour & finish,
 - d) the section sizes,
 - e) opening styles and mechanisms; and
 - f) the amount by which the window or door is recessed within the building's elevation.

The development hereby approved shall remain in accordance with the agreed scheme of windows and doors in perpetuity.

Background and Main Issue

2. The appeal site is located within the Linthorpe Conservation Area. Planning permission for a side extension to the dwelling included a condition requiring that windows and doors within the extension shall be timber only. The appellant has objected to this condition as he wishes to use uPVC for the windows and doors subject to agreeing an appropriate design. The proposed condition related solely to the use of materials, and did not include controls relating to matters including design.
3. Taking this background into account, the main issue is whether the condition is reasonable or necessary in the interests of the character or appearance of the Conservation Area.

Reasons

4. The appeal site is within the Linthorpe Conservation Area, which derives its significance as a designated heritage asset from its village origins which have grown into high quality late nineteenth and early twentieth century suburbs. The appeal site is a substantial building in a large plot and is a good example of historical suburban development and as such makes a positive contribution to the Conservation Area. This contribution is enhanced further due to the prominence of the building.
5. However, the character of the extant building has been compromised due to an unsympathetic extension to the side as well as the replacement of a number of windows with unsuitable modern designs, including the use of uPVC frames.
6. The proposed extension would be of a design which complements the existing building, and due to the removal of the existing unsympathetic extension this would enhance the character and appearance of the Conservation Area.
7. I have some sympathy with the Council's approach in respect of requiring timber windows on front elevations and I am mindful of the incremental improvements to the Conservation Area that this approach could deliver. The importance of this approach is reflected in the Article 4 Direction which applies in this area. However, within the context of the appeal proposal, the use of uPVC windows of a suitable design would not negate the enhancements arising from the proposal as a whole, including the demolition of the existing extension and the construction of a more sympathetic replacement.
8. The appearance of the site is further compromised by the inappropriate window designs on the host dwelling. The appellant refers to his intention to replace these windows, although this is not part of the appeal proposal and is not addressed by the disputed condition. Within the context of the windows within the existing property, windows of an appropriate design within the extension would represent an enhancement even if constructed from uPVC.
9. The appellant has suggested two alternative window designs. Firstly, casement windows with horns added to replicate sliding sash windows. However, I consider that these would not be of a suitable design and would appear as a clumsy pastiche outweighing the benefits of the proposal. Secondly, uPVC sliding sash windows and doors of a similar material. I acknowledge that this window design would not fully replicate the appearance of timber framed sash windows, including matters of finish and fine detailing. That said, I consider that a sliding sash uPVC framed design could be suitable within the context of

the appeal site and the benefits arising from the proposal, subject to agreement of matters including design and installation.

10. In respect of the original condition, the wording related solely to the use of timber and did not address issues including design. As a result, timber windows of a design may have been installed which would not preserve or enhance the character and appearance of the Conservation Area. In this regard, the original condition was therefore not reasonable or necessary.
11. A replacement condition would address this discrepancy. I raised this matter with the Council who suggested an alternative condition and I have given the appellant the opportunity to comment on this. Due to the particular circumstances of this proposal, I have concluded that the use of uPVC windows of a suitable design in the extension would be appropriate and I have amended the wording of the condition to reflect this. I conclude that this replacement condition is reasonable and necessary in the interests of preserving and enhancing the character and appearance of the Conservation Area. Subject to this condition, the proposal would comply with the design requirements of policies CS4 and CS5 of the Core Strategy 2008. The proposal would also comply with the National Planning Policy Framework in respect of achieving well-designed places as well as conserving and enhancing the historic environment.
12. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

David Cross

INSPECTOR