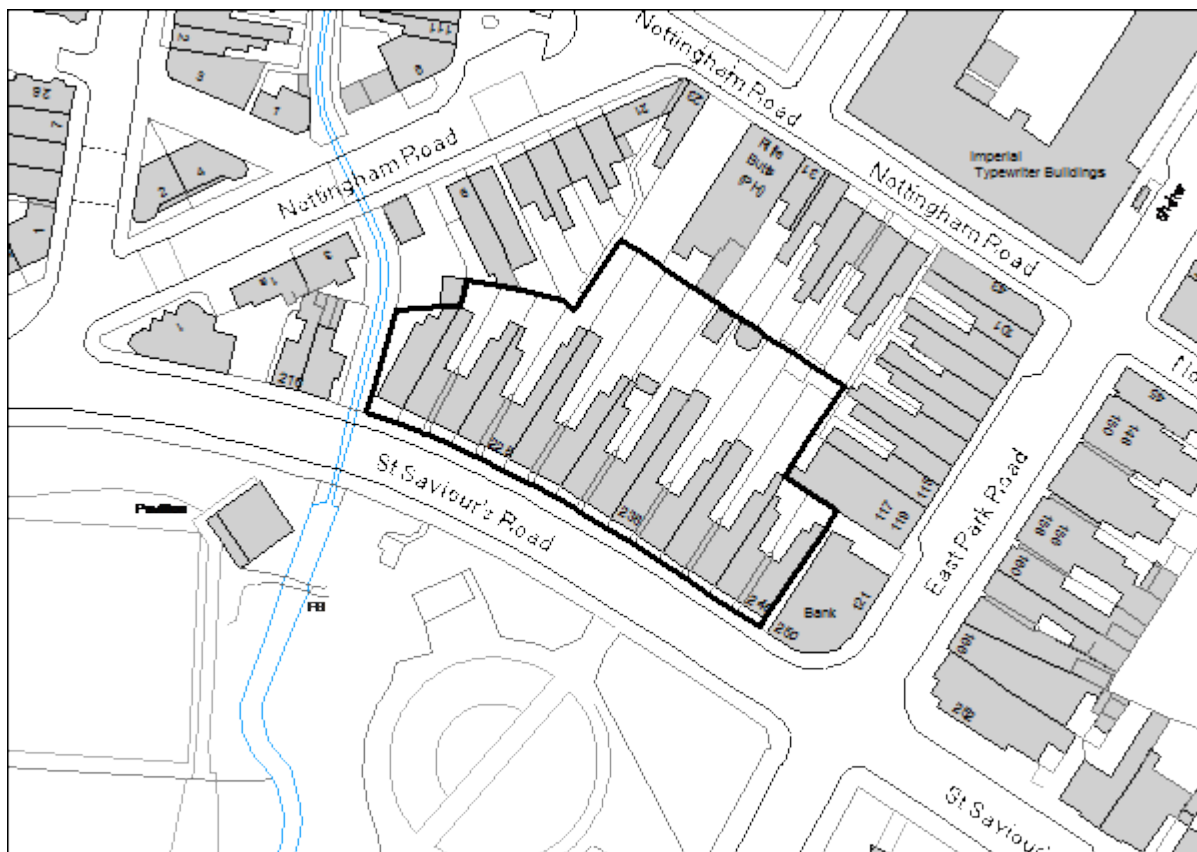


PLANNING INSPECTORATE APPEAL DECISIONS	
20198016A 20160656	220-248 ST SAVIOURS ROAD
Proposal:	REPLACEMENT DOORS AND WINDOWS AT FRONT; BOUNDARY GATES AND WALLS AT FRONT OF HOUSES (CLASS C3)
Appellant:	MR FAHAD RANGILA
Appeal type:	Planning Appeal
Appeal received:	23 April 2019
Appeal decision:	Dismissed
Appeal dec date:	1 October 2019
TB	WARD: North Evington



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Summary

- The appeal related to a row of three storey terraced houses located within the Spinney Hill Park Conservation Area, and subject to an Article 4 Direction removing permitted development for alterations to dwellinghouses.
- The application was approved under delegated powers in June 2016 subject to conditions, two of which are the subject of this appeal.
- The appeal was dismissed.

The Proposal and Decision

The proposal included the replacement of the existing ground floor bay windows and first floor windows, to the front of the houses, with matching timber double-glazed sliding sash windows. No works were proposed to the front dormer windows on the second floors.

The application was approved with conditions. The following conditions were objected to by the appellant: -

- Condition 2. Before the development is begun, horizontal & vertical cross-section drawings at 1:5 or 1:10 scale showing the joinery details of the proposed replacement doors and windows shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
- Condition 4. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 31/03/2016, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

The approved plan of condition 4 referred to bespoke windows and doors made from European softwood with double glazing fitted. The appellant sought to remove or vary conditions 2 and 4 to allow for the UPVC replacement windows, as opposed to timber replacement.

The Appeal Decision

The appeal was dismissed.

Commentary

The Inspector notes that the main issue of the appeal was whether conditions 2 and 4 are reasonable and necessary to preserve or enhance the character or appearance of the Conservation Area.

The Inspector stated with regards to the application site that the uniformity of materials and features creates a striking and attractive frontage which enhances the Conservation Area. Details of the first-floor UPVC window submitted by the appellant showed the top window as being smaller than the lower window within the window frame, which would contrast with the existing windows where the proportions are similar between top and bottom. The differences in design with existing houses would mean that unless all the houses proceed with any change, the symmetrical appearance of the terrace would be lost. It would not be possible, in any event, with any grant of planning permission to ensure that all the houses that are in different ownerships would carry out the proposed changes.

The Inspector also notes that the whilst UPVC window design has improved over the years, the technical finish is still different to wood. There was limited evidence submitted by the appellant as to how the finish of the UPVC windows would compare to the existing wooden windows, and a mix of designs and materials would fail to preserve or enhance the character of the Conservation Area. The harm caused to the significance of the Conservation Area would not be outweighed by sufficient public benefit, such as better insulation and energy efficiency.

The Inspector therefore concluded that, based upon the limited information submitted to allow for UPVC windows, that conditions 2 and 4 remain reasonable

and necessary to preserve or enhance the character and appearance of the Conservation Area. The proposal was therefore considered to be contrary to NPPF paragraphs 192 and 196.