

Item No: 5.5
Application No: 17/00565/FUL Author: Rebecca Andison
Date valid: 11 May 2017 ☎: 0191 643 6321
Target: 6 July 2017 Ward: Tynemouth
decision date:

Application type: full planning application

Location: 10C Priors Terrace, Tynemouth, Tyne And Wear, NE30 4BE,

Proposal: Front windows to be replaced like for like in white upvc

Applicant: Mr Gordon Ogle, 10C Priors Terrace Tynemouth Tyne And Wear
NE30 4BE

RECOMMENDATION: Minded to refuse on expiry of consult

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issue for members to consider in this case is the impact on the character and appearance of the conservation area and the Local Register building.

2.0 Description of the Site

2.1 The application relates to a north east facing terraced dwelling, located on Priors Terrace. The building is 3-storey and this application relates to a ground floor flat.

2.2 The site is within Tynemouth Conservation Area and the property is included on the Local Register.

3.0 Description of the Proposal

3.1 Retrospective permission is sought to install upvc windows in place of timber framed windows. The proposal relates to 3no windows located in a bay at the front of the property.

3.2 The applicant has advised that the windows needed to be replaced because they were rotten, leaking and draughty.

4.0 Relevant Planning History

4.1 Application site:

13/02082/FUL - Works to flat - Like for like replacement of existing windows and door to the kitchen bathroom and two bedrooms at the rear of the property

Permitted 02.04.2014

76/01024/FUL - Storage and dressing area extension
Permitted 08.06.1976

4.2 Applications for upvc windows on Priors Terrace:

11D Priors Terrace
01/01323/FUL - Replacement of windows to rear of property. (Upvc windows)
Refused 10.09.2001

Flat F, 9 Priors Terrace
04/00170/FUL - Renew windows and door to balcony of 4th. floor flat (Upvc to front dormer)
Refused 01.04.2004

Flat B 3 Priors Terrace
07/02860/FUL - Replacement of single glazed windows and door to rear of building to double glazed UPVC units
Permitted 27.11.2007

Flat A 3 Priors Terrace
10/00175/FULH - Replacement of external door and window within roof slope to rear
Permitted 05.08.2010

12 Priors Terrace
13/00824/FUL - Brick up and make good existing doorway to the rear and create new doorway access with UPVC door and frame. Replace two existing ground floor windows with UPVC frames
Permitted 19.07.2013

Flats B And C 9 Priors Terrace
14/01774/FUL - Works to flats: Replace existing timber windows to the rear bay window and rear access door to flat B and replace 6no windows to the existing offshoot extension to flats B and C. Windows and doors are to be replaced with similar style in UPVC.
Permitted 16.01.2015

4.3 Applications for upvc windows elsewhere in Tynemouth:

35 Percy Street
17/00331/FULH - Replace single-glazed white wood-framed windows with double-glazed white wood-textured PVC windows
Refused 16.05.2017

20A Percy Gardens

15/01014/FUL - Replacement of existing timber windows with UPVC with identical detailing to the front elevation
Refused 18.08.2015

Flat 1, 22 Percy Gardens
15/00446/FUL: Works to Flats: New white upvc replacement windows (in existing openings)
Refused 02.06.2015

Flats 1, 2 and 3 5 Percy Gardens
13/02076/FUL - Works to Flats - Replace existing single glazed windows in Victorian style white UPVC double glazed windows with heritage horns fixed to opening sash corners to ground floor and first floor elevation and repair of one double sealed unit to existing white UPVC double glazed window to second floor flat front elevation
Refused 07.04.2014

22 Middle Street, Tynemouth:
12/01301/FULH - Replace the existing secondary glazed timber windows, with new UPVC double glazed windows
Refused 15.10.2012
Appeal dismissed

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 Planning Practice Guidance (As amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

6.0 Development Plan

6.1 North Tyneside Unitary Development Plan (adopted March 2002).
Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007).

6.2 North Tyneside Local Plan (Pre-submission draft)

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issue in this case is the impact on the character and appearance of the conservation area and the Local Register Building.

8.0 Design and Impact on Heritage Assets

8.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

8.2 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8.3 Any harm or loss should require convincing justification. Substantial harm to a grade II listed building should be exceptional and consent should be refused unless there are substantial public benefits. Where a development would lead to less substantial harm, this harm should be weighed against the public benefits of the proposal.

8.4 At paragraph 137 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation areas ...and within the setting of heritage assets to enhance or better reveal their significance."

8.5 Policy E16/2 `Conservation Areas` of the North Tyneside Unitary Development Plan states that development which would not preserve or enhance the character, appearance or setting of a Conservation Area will not be permitted. In assessing a development, particular consideration will be given to its design, scale, layout and materials; the treatment of surrounding spaces; and its relationship to surrounding development. This guidance is backed up by the criteria contained within Development Control Policy Statement No. 8 `Development within Conservation Areas`.

8.6 Policy E17/5 states that the Local Planning Authority will maintain a schedule of other buildings of local architectural or historic interest. It will seek to give protection to buildings in this schedule and where appropriate will recommend them for inclusion on a statutory list.

8.7 Policy H11 of the UDP seeks to ensure a high standard of design. It stipulates that the local planning criteria to be taken into account when considering proposals include the effect of proposals on the street scene and the

character and materials of the existing building. Flat roofs are generally discouraged for design and maintenance reasons.

8.8 Policy DM6.1 of the emerging Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

8.9 Policy DM6.6 of the Local Plan states that the alteration, extension or restoration of heritage assets, and development that affect their settings, will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character; repair damaged features or reinstate missing features that contribute to the asset's significance; and remove additions or modifications that are considered harmful to the significance of the heritage asset.

8.10 LDD 9 Local Register of Buildings and Parks SPD states that proposals for works affecting Locally Registered buildings should ensure that they respect the architectural quality, character and interest of the building by taking into account the design, appearance and architectural features of the building. The materials used should be appropriate to the age and style of the building.

8.11 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

8.12 In addition to the policies outlined above the Tynemouth Village Conservation Area Character Statement was adopted in 2003. The Statement notes that Tynemouth is a village in an urban setting, the first of its kind about an urban rather than a rural village, it is hoped to capture its unique character, to influence future planning decisions and to help manage and not prevent the process of change.

8.13 The Tynemouth Village Conservation Area Character Appraisal was adopted in 2010 and requires all developments within the conservation area to be sympathetic to the area. The document states that, "of the conservation area's windows themselves, originals can probably be found in equal measures to replacements. Where original windows remain they add so much to the proportion and character of the building and it would be of benefit to see them retained". It notes that unfortunately, the permitted development rights of homeowners have seen the loss of many original windows and states that uPVC windows are appropriate only in late 20th and 21st century buildings in the area and are an inferior substitute for traditional timber windows.

8.14 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. It discusses the harmful impact of alterations carried out under permitted development rights and states “there remain a large number of PVCu windows that have replaced wooden ones and other alterations such as box dormers, doors, boundary treatments (e.g. walls, gates, railings) and roof coverings that accumulate to harm the special interest of the area. There is evidence of cumulative harm from such development” It goes on to state that existing unsuitable replacement timber or PVCu windows should be replaced with good quality replicas to the original design.

8.15 The proposal is for the replacement of timber windows within the front elevation of the property with upvc windows. The windows are located in a ground floor bay window.

8.16 The property is in the Tynemouth Village Conservation Area and is included on the Register of Buildings and Parks of Local Architectural and Historic Interest. The majority of properties on Priors Terrace are divided into flats and therefore unlike houses elsewhere in Tynemouth do not have permitted development rights that have allowed the original timber windows to be replaced with upvc. Most have timber framed windows in the front elevation.

8.17 A full history of applications for upvc windows on Priors Terrace is set out in the ‘Planning History’ section above. Planning permission has been given for upvc windows at the rear of Priors Terrace but there are no cases of permission being given upvc windows to the front elevation. Also set out are examples of planning decisions elsewhere in Tynemouth relating to upvc windows.

8.18 It is not clear whether the previous windows were original to the property, but they were timber framed, traditional in style and in keeping with the character of the building. The proposed windows have 6 panes with an opening mid panel, and wide frames.

8.19 The applicant has advised that the previous windows needed to be replaced because they were in poor condition and letting in water. They have provided photos to show the poor condition of the existing windows in the flat below.

8.20 It is officer opinion that the condition of the windows does not justify their replacement with upvc. The TVCAMS which states that inappropriate timber windows should be replaced with good quality replicas of the original design. The Council has consistently resisted applications for upvc windows in Tynemouth Conservation Area, and this stance has been supported in appeal cases. To grant permission here would set a precedent that could result in the loss of other timber windows within the conservation area and their replacement in upvc.

8.21 In refusing planning permission for upvc windows at 22 Middle Street the Inspector noted that other properties within the area contained upvc windows but considered that the special appearance and character of the Conservation Area

is better preserved in those instances where traditional timber windows are present. He gave limited weight to the argument made by the appellant regarding the insulation and maintenance benefits.

8.22 Regard must also be had to the Local Register status of the building. A key requirement of LDD9 is that works affecting Locally Registered buildings should respect the character of the building by taking into account its design, appearance and architectural features, and using appropriate building materials. It is considered that the installation of upvc windows would result in harm to the character and appearance of the Local Register building.

8.23 The development would result in harm to the character of the conservation area and the Local Register Building, and given that this harm is not outweighed by any public benefits, the proposal fails to comply with the NPPF.

9.0 Financial Considerations

9.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

9.2 Economically and socially it is not considered that there will be any benefits as a result of the proposed works.

10.0 Conclusion

10.1 The proposal is contrary to the NPPF, UDP, emerging Local Plan, LDD9 and the Tynemouth Village Conservation Area Management Strategy SPD. To allow the proposal would set a precedent for similar inappropriate development within the conservation area. It is therefore recommended that planning permission is refused on expiry of the consultation period.

RECOMMENDATION: Minded to refuse on expiry of consult

It is recommended that members indicate they are minded to refuse the application subject to the consultation period expiring and subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

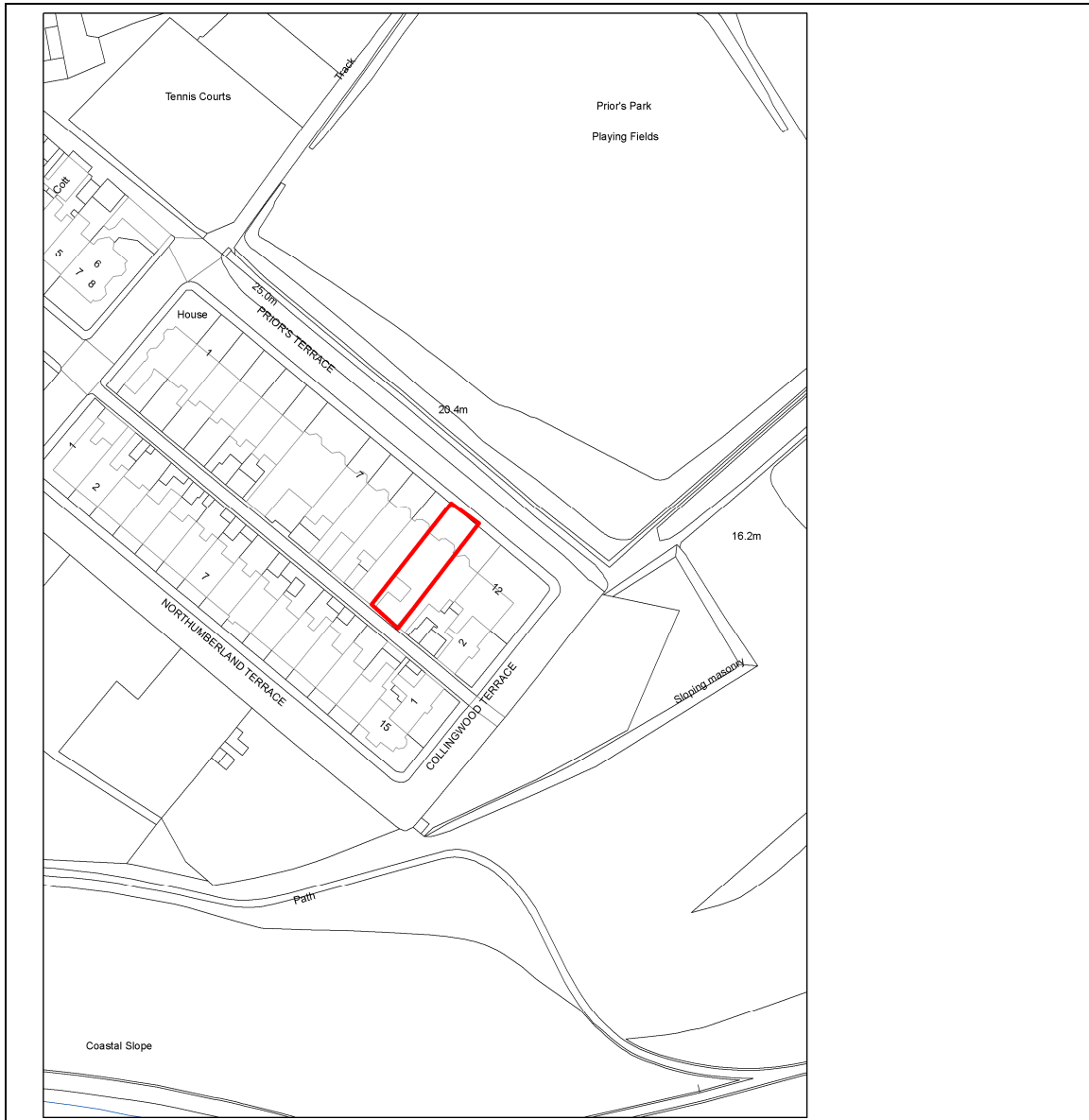
Conditions/Reasons

1. The proposed upvc windows fail to preserve or enhance the character of the Tynemouth Conservation Area, and do not respect the original character and architectural quality of the Local Register building. The development would result in harm to a designated heritage asset, and would be contrary to the NPPF,

LDD9, Policies E16/2, E17/5 and DCPS No.8 of the North Tyneside Unitary Development Plan (March 2002), Policies DM6.1 and DM6.6 of the emerging Local Plan and the Tynemouth Village Conservation Area Management Strategy SPD.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

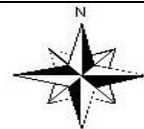


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Proposal: Front windows to be replaced like for like in white upvc

Not to scale

Date: 01.06.2017

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**Appendix 1 – 17/00565/FUL
Item 5**

Consultations/representations

1.0 Highways Network Manager

Recommendation - Approval

No objections in principle to this proposal.

2.0 Environmental Health

No objections.

3.0 Councillor Comments

3.1 Cllr Weetman has requested that the application is decided by Planning Committee due to the specific nature and history of the case.

4.0 Representations

4.1 1 no letter of objection has been received.

24.2 The following concerns are raised:

- The windows were replaced without planning permission.
- The replacement windows are not like for like as submitted in the planning application. The new windows are double glazed UVPc whereas the old windows were single glazed wood.
- The new windows are smooth UVPc whereas the old windows were wood with a raised trim, a skirt at the bottom and holes for water drainage.
- The new windows open differently to the old windows as they have a middle horizontally outward opening window. The old windows opened vertically along the full length with one side of each pair not opening at all.
- 10 Priors Terrace is in a conservation area and alterations to properties should be carried out with due sensitivity to the period of construction. These windows do not pay due regard in terms of style and material used.
- 10 Priors Terrace is a building of local interest. One of the reasons is because of its 4 Bay windows. The new windows destroy the look and symmetry of the facade of the building.
- There are no other visible similar windows in the street. All of the other windows are original or similar.
- All buildings in the street have problems of water ingress and rot in the windows to one extent or another. Owners find other ways of dealing with these problems without the wholesale destruction of the facade of the building. It is possible to find wood like replacement windows that do not stick out like a sore thumb.
- Allowing the replacement of the windows in the manner of 10C Priors Terrace sets a dangerous precedent for this street and the surrounding area.