

APPLICATION: MA/10/0081 Date: 19 January 2010 Received: 31 March 2010

APPLICANT: Mr N Moore

LOCATION: CHESTNUT TREE HOUSE, WELL STREET, LOOSE, MAIDSTONE,
KENT, ME15 0EH

PARISH: Loose

PROPOSAL: Replacement of windows and doors to all elevations in UPVC,
including two windows of 'Mondrian Design' as shown on the site
location plan received on 21/01/10, the elevations received on
16/02/10, and the "Mondrian windows" details received on
31/03/10, and as described in the Design & Access Statement
received on 09/12/09 and the e-mail from the applicant received on
20/03/10.

AGENDA DATE: 20th May 2010

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1. POLICIES

- 1.1 Maidstone Borough-Wide Local Plan 2000: H18.
- 1.2 South East Plan 2009: BE1, BE6.
- 1.3 Government Policy: PPS1, PPS5.

1. HISTORY

- 2.1 MK3/68/0282 Details of 2 detached houses with garages
APPROVED
- 2.2 MK3/65/0343 Outline application for residential development
APPROVED

2. CONSULTATIONS

3.1 Loose Parish Council

- 3.1.1 "Following the amendments received to the above application with regards to the replacement windows & doors, the Loose Parish Council wish to object most

strongly to the proposal, and would wish to see the application refused and request that it is referred to the Planning Committee.

- 3.1.2 Firstly it is felt that the drawing supplied, showing the Mondrain design, is poor and inadequate, and coloured windows of any description would not be in keeping with the traditional look of other buildings in the area, some of which are listed. We would also like to add that it is believed that his property is located with the article 4 area of Loose.
- 3.1.3 Secondly we object most strongly that the proposed windows are to be made from UPVC, which is also out of keeping with the standards expected within an article 4 and conservation area. Whilst we understand that you have stated that other buildings in the area do have UPVC windows, it is felt that this should not alter our insistence that wood should only be allowed as a replacement material for windows and doors within the conservation area. It is also felt that we should not be governed by building standards of the past.
- 3.1.4 It is felt that the coloured Mondrain design and UPVC material of the proposed replacement windows and doors is unacceptable, and does not reflect the traditional and historical features that the Loose conservation area and village reflects, but clearly detracts from the special local character."

3.2 **MBC Conservation Officer**

- 3.2.1 11/03/10 – "I believe I spoke with the applicant some time ago about his ideas on altering the fenestration to his dwelling. Based on the information discussed, I told him informally that we would not be opposed to the re-fenestration in principle, including the use of uPVC, from a conservation standpoint. However, from the limited information submitted, it is difficult to determine if the details of the proposed windows – including the one(s) with Mondrian design elements – would respect the character of the historic environment. It is, therefore, recommended that on heritage grounds the application is currently unacceptable due to lack of information as detailed above."
- 3.2.2 26/04/10 (following receipt of further information) – "PPS5, HE7.2 states, *'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and other aspect of the proposals.*
- 3.2.3 This dwelling, approved for construction in the late 1960s, is located in Loose Valley Conservation Area in an area under an Article 4 Direction which includes window replacement. Due to its age and existing character, the house itself is

considered to have a neutral impact on the character of the conservation area and does not have particular heritage significance in its own right.

- 3.2.4 While we would not welcome the installation of uPVC windows in a more traditional building, we do not object to the use of this modern material in this building of modern construction. While the drawings are lacking in full detail, the photographs submitted of the windows which have been installed are what would be expected of uPVC windows in a modern house. We therefore have no objections with respect to their impact on the heritage environment as they are in keeping with the design of the house itself.
- 3.2.5 Regarding the two so-called "Mondrian windows", the details submitted are adequate to assess the size, colour and materials of the proposed scheme. In our view, the windows would not have an adverse impact on the character of the existing building.
- 3.2.6 It is, therefore, recommended that, on heritage grounds, on balance no objection is raised."

3. REPRESENTATIONS

- 4.1 No representations have been received from neighbouring occupiers.

4. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application building is the left-hand one of a pair of late 1960s dwellings of similar design located on the south-eastern side of Well Street, within the village settlement boundary of Loose.
- 5.1.2 It also falls within the Loose Valley Conservation Area. An Article 4 Direction, covering the Conservation Area, removes permitted development rights for, among other things, the alteration of single dwelling houses, including window replacement.

5.2 Proposal

- 5.2.1 Planning permission is sought for the replacement of windows and doors to all elevations in uPVC, including two windows of "Mondrian design" (which incorporate randomly-arranged coloured glazing panels interspersed amongst clear glass panels). [Piet Mondrian (1872-1944) was a Dutch painter and pioneer of abstract art who developed a style of painting based on the use of simple geometric shapes, notably rectangles, and pure colours.]

- 5.2.2 At the time of my site visit the replacement uPVC windows and doors had been installed. These had all been installed in existing openings.
- 5.2.3 The "Mondrian design" windows had not been installed at the time of my visit. One is proposed to the front elevation (north-west), facing Well Street, and the other would be on the left-hand flank elevation (north-east). The submitted details show that they would both be comprised of twelve irregularly-sized panes, four of which would be coloured glass (two yellow, one red and one blue). The frame of that on the front elevation would be white uPVC, whilst that on the side would be black.

5.3 Impact on the Character and Appearance of the Conservation Area

- 5.3.1 Planning permission is only required for this development as a result of the Article 4 Direction being in force, the purpose of which is to protect the special character and appearance of the conservation area from insensitive and inappropriate development. The impact on the character and appearance of the conservation area is therefore the main issue for consideration by Members.
- 5.3.2 As stated, the application building is one of a pair of late 1960s dwellings of similar design. It is of no special architectural merit or heritage significance in its own right, and, due to its age and character, is considered by the Conservation Officer to have a neutral impact on the character of the conservation area. These points are considered to be material to the determination of this application since PPS5 – "Planning for the Historic Environment" states that *'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and other aspect of the proposals.'* (paragraph HE7.2).
- 5.3.3 In this case, therefore, whilst the use of uPVC would be out of keeping and harmful to the historic character of a more traditional building, being a modern material it would not be inappropriate for use on the application building, which is of modern design and construction. This view is shared by the Conservation Officer who does not raise objection with respect to the impact on the heritage environment and special character of the Conservation Area since the windows and doors, as installed, "are in keeping with the design of the house itself". It should also be noted that the other property of this 1960s/70s pair, "Windrush", already has uPVC windows installed. On balance, therefore, in view of all of the foregoing points, I do not consider that a refusal on the basis of the use of uPVC on this particular property could be sustained at appeal.

5.3.4 Furthermore, although Mondrian was a famous artist during the first half of the last century, his work became fashionable during the 1960s/70s – the same period from which this house dates. As such, although the proposed “Mondrian design” windows would again be clearly inappropriate on a historic or more traditional building, it is my view that they would be in keeping with the style and design of this particular property and, moreover, would actually enhance its appearance by giving it some character and interest. That said, I do not consider that it would then appear overly-prominent or draw undeserved attention within the Conservation Area due to the significant set-back from the public highway (approximately 25m), the fact that only four of the twelve panes of glass would be coloured, and the fact that there would be only one such window on each of the front and left-flank elevations. Again, the Conservation Officer does not raise objection. In summary, therefore, I conclude that the proposed “Mondrian design” windows would not harm the special historic character or appearance of the Conservation Area, and would, in fact, enhance the character and appearance of the application building.

5.4 Residential Amenity

5.4.1 As all of the windows and doors either have replaced or would replace existing windows and doors in the same openings, there are no residential amenity issues to consider.

5. CONCLUSION

6.1 In conclusion, it is considered that, in this particular instance, the use of uPVC and “Mondrian design” windows would not be inappropriate, notwithstanding that the application building is located in a Conservation Area covered by an Article 4 Direction, due to its age, design and existing character. As such, the proposal would not harm the special character or appearance of the conservation area or detract from its special historic interest. It is therefore considered that the proposal complies with the relevant policies of the Development Plan and Central Government policy and there are no overriding material considerations to indicate a refusal. Consequently I recommend that Members grant planning permission subject to conditions as set out below.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.