



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
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17th September 2021

Dear Ms Stephenson,

**DM/21/03014/FPA | Replacement of 3no. windows to front elevation of dwelling house. | 4
The Avenue Durham DH1 4ED**

The City of Durham Parish Council Planning Committee considered this application at its meeting on the 17th September 2021 and resolved to object to this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP) and the Durham City Neighbourhood Plan, which was formally adopted by the County Council on 23rd June 2021.

The application site is an unlisted terraced property, a non-designated heritage asset and located within the heart of the Durham City Conservation Area (designated 1968). This proposal should therefore be assessed against CDP Policy 44 (Historic Environment) which is clear that development proposals will be expected to show *“respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).”*

This approach is entirely consistent with Neighbourhood Plan Policy H2, which is equally clear that development proposals within and affecting the Durham City Conservation Area should *“have materials, detailing and lighting appropriate to the vernacular, context and setting”*.

The Parish Council welcomes this proposal as replacing 3 modern and unsympathetic timber windows to the front elevation of the property and agrees entirely with the Design and Conversation Officer’s assessment that the loss of these would cause no adverse effects.

That being the case, it is clear that further detailing around the proposed replacement materials is required, as set out by the Design and Conservation Officer. The Parish Council objects to the use of uPVC as a material for the windows. This element of this proposal clearly fails the test set by CDP Policy 44 and DCNP Policy H2.

It should also be noted that the application site is covered by an Article 4 (2) Direction. It is understood the Direction resulted from the evidence-base as part of the Durham City Centre Conservation Character Appraisal. Accordingly, the Direction was served to restrict Permitted Development Rights in order to control minor forms of development that could otherwise have an adverse impact and further erode the character and appearance of the historic area through loss of traditional features, details and materials and also offering a means of potentially reversing past unsympathetic alterations. Therefore, the proposal by virtue of its proposed uPVC alternatives would be considered in conflict with these aims.

The Parish Council believes that the proposal would be considered harmful and would not be considered to either preserve or enhance as preserve means doing no harm and enhance relates to a positive change. It is considered uPVC stands out as an inferior modern alternative to the natural appearance of a more suitable and sustainable material such as the introduction of traditional timber sashes.

The Parish Council believes that the cumulative impact of these alterations would fail to preserve or enhance the designated Conservation Area, when tested against National Planning Policy Framework, the level of harm would be "less than substantial". As such, the Policy test of Paragraph 202 then applies stating that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In this particular case, no public benefits are identified for the use of this material and therefore this fails to conform with the NPPF.

A change in the use of materials for the windows from uPVC for this development would satisfy the Parish Council's objection. This application should be refused in its current form. If amended plans are submitted, the Parish Council would expect to be re-consulted on this application.

Yours sincerely,

Adam Shanley

Clerk to the City of Durham Parish Council