

Web site: <http://www.DurhamCity.org>

Elinor Woodruff
Durham County Council
Planning Development
County Hall
Durham DH1 5UL

Dear Ms Woodruff,

DM/23/02224/FPA | Replacement of windows to front elevation with sliding sash timber windows to match existing | 4 Nevilledale Terrace Durham DH1 4QG

Summary: The wooden windows to the front elevation were replaced with uPVC windows on 31 May 2023, without planning permission having been obtained. If the purpose of this planning application is to have these new windows themselves replaced with wooden sash windows similar in design to the previous wooden windows, then the Trust welcomes this as rectifying the previous error.

Relevant planning policies and directions

The application site lies within Character Area 3 – Crossgate of the City of Durham Conservation Area. In 2007 an Article 4 Direction was made by the former City of Durham City Council to restrict permitted development rights within the Crossgate area for the enlargement, improvement or alteration to the dwelling houses within the area. This means that works which would have constituted permitted development now need a planning application to be formally submitted to the local planning authority to enable development to be controlled. The application site is subject to this Direction.

County Durham Plan Policy 44 (Historic Environment) is relevant, and in particular paragraphs f, g and h regarding Conservation Areas. City of Durham Neighbourhood Plan Policy H2 (Durham City Conservation Areas) states that “Development proposals within or affecting the setting of the Durham City Conservation Area should sustain and enhance its significance as identified within the Conservation Area Appraisals.

CDP Policy 29 (Sustainable Design) and in particular paragraph (a) *contribute positively to an area’s character, identity, heritage significance, townscape and landscape features...* and the section on Extensions and Alterations:

Proposals for alterations and extensions to residential property, and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.

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Neighbourhood Plan Policy D4 (Building Housing to the Highest Standards) supports and builds on Policy 29.

The proposal is that the replacement windows will be double-glazed. Objective 17 is to *Reduce the causes of climate change and support the transition to a low carbon economy by encouraging and enabling the use of low and zero carbon technologies...* CDP Policy 29(c) requires proposals to *minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings*. Neighbourhood Plan Policy S1 at paragraph (h) has *minimising energy consumption and carbon emissions*, and its Policy D4(g) reads *the improvement of energy efficiency and the reduction of carbon dioxide emissions..* Improving home insulation will help to achieve these aims.

Assessment

Had this proposal been a retrospective one to retain the recently-installed uPVC windows we would have objected due to conflict with the above policies. We welcome the proposal to reverse the previous error and to install replacement wooden windows. However, there is no information about the design of the windows apart from the window section details. Further information, perhaps a product brochure, would enable a better assessment to be made and we hope this can be provided.

The installation of double-glazed windows will improve the energy rating of the house and meet the requirements of the policies set out above.

The windows of this house were in poor condition and their replacement with appropriate double-glazed wooden windows would be an improvement so we hope this application can be approved.

However, any such approval would not change the fact that the current uPVC windows are unauthorised and must be replaced. We consider that the customary condition that development be commenced within 3 years, which is usually imposed pursuant to Section 91(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004, should instead be replaced by a condition that development be commenced within 6 months. Section 91(b) of the Act allows the Authority to require “such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct” and we consider that this would be appropriate in this particular case.

Other matters

We note that only three neighbours have been consulted. The 2007 Article 4 Direction was made in order to preserve the unity of this fine terrace, and it is supported by its residents. We consider that a wider consultation should take place and suggest 1-17 Nevilledale Terrace.

The windows on the rear elevation were also replaced with uPVC and two new Velux windows inserted in the roof, all without planning permission. If the current application is approved this would not give retrospective authorisation to the changes to the rear elevation. We look

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forward to a further planning application for the rear and if this is not forthcoming we urge the Authority to take enforcement action.

Yours sincerely

John Lowe
Chair, City of Durham Trust