The Planning Inspectorate

Appeal Decisions

Site visit made on 31 January 2012

by Mrs A L Fairclough MA, BSc(Hons), LLB(Hons), PGDipLP, MRTPI, IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 February 2012

Appeal Ref: APP/H1033/D/11/2167459
5 West Road, Buxton, Derbyshire SK17 6HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ian Robinson against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0436, dated 8 August 2011, was refused by notice dated 3 October 2011.
- The development proposed is described as 'replacement windows to front elevation and a single storey kitchen extension to the rear elevation'.

Procedural Matters

1. In its submissions the Council has not objected to the single storey rear extension. Given the design, size and location of the proposed extension, I consider that this aspect of the appeal is acceptable.

Split Decision

2. **I dismiss the appeal insofar as** it relates to replacement windows to the front elevation.

3. **I allow the appeal insofar as** it relates to the single storey kitchen extension to the rear elevation in accordance with the terms of the application, Ref HPK/2011/0436, dated 8 August 2011, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the submitted plan refs. Nos 01 – 09 dated July 2011.

    3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

4. The main issue in this case is whether or not the proposed development would preserve or enhance the character or appearance of the Buxton – College Conservation Area.

Reasons

5. The appeal; dwelling is a 2-storey property which is located within the Buxton - College Conservation Area. The character of the Conservation Area is derived from the variety of styles, types and ages of the buildings and the use of traditional materials. However, West Road is dominated by terraced dwellings. The appeal dwelling is one of a terrace of 4 properties, which are located close to the junction of West Road and the A515 (London Road / High Street). Although some of the

windows in the terrace have been replaced, several of them fronting the highway are original sliding sash. The retention of the historic features, such as traditional fenestration opening methods and materials, contributes positively to the character of the Conservation Area.

6. The Council states that this property is subject to an Article 4 Direction. The replacement windows to the existing front ground floor bay would have a similar opening mechanism to the existing windows it would replace. However, the first floor 4-pane, vertically sliding sash windows would be replaced with 4-pane top hung casement windows. Although the windows would look similar to the existing windows when closed, due to the different material properties of uPVC, the framing sections would inevitably be thicker. The nature of uPVC means that the frames would have a flat, uniform appearance and lack the finesse of the detailing found in the existing, timber windows especially those at first floor level. Furthermore, the first floor windows would appear significantly different when open. The introduction of uPVC windows in this prominent location, with the differing characteristics set out, would appear incongruous. Overall the deleterious effect of the proposed development on the building itself, would harm the character and the appearance of the Conservation Area.

7. Following on from Policy HE7, Policy HE9 of *Planning Policy Statement 5: Planning for the Historic Environment* (PPS5) deals with the consideration of applications for consent relating to designated heritage assets. HE9.2 states that where the application would lead to substantial harm, consent should be refused unless, of relevance, the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm.

8. The uPVC windows would provide some advantages notably in terms of energy efficiency and a means of escape in emergencies. However, these do not provide sufficient benefit to outweigh the substantial harm that would be caused. On this basis the proposal fails to accord with advice in PPS5 and the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. I note that the existing front windows are in a poor condition. I also note the references to uPVC windows that have been installed in the area, including No 3 West Road, and I took some time to look at these at the site visit. However, I am unaware of the full background of these cases. In any event, it is incumbent upon me to deal with the proposal at issue on its own merits in the light of current policy.

10. Thus the harm I have identified is not outweighed by any other considerations put before me. I find conflict with PPS5 and policies BC1, BC5 and GD4 of the High Peak Saved Local Plan Policies (taken from the High Peak Local Plan - Adopted March 2005) arising from the proposed uPVC windows and so shall dismiss the appeal for this part of the proposed development.

11. With regard to the proposed single storey rear extension, in addition to the time limit condition, I consider that a condition relating to materials is reasonable and necessary to ensure that the character and appearance of the locality is maintained. Furthermore, for the avoidance of doubt and in the interests of proper planning a condition requiring that the development shall be carried out in accordance with the approved plans is both necessary and reasonable. For the reasons given above and having regard to all matters raised, I conclude the appeal should succeed in part and fail in part.

Mrs A Fairclough

INSPECTOR