The Planning Inspectorate

Appeal Decision

Site visit made on 14 February 2012

by Malcolm Rivett BA (Hons) MSc MRTPI

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

Decision date: 16 February 2012

Appeal Ref: APP/H1033/D/11/2167289
3 Hurst Lea Road, New Mills, High Peak, SK22 3HP

- 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 John Barnes against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0385, dated 8 July 2011, was refused by notice dated 21 October 2011.
- The development is 2 no uPVC windows to front elevation.

Decision

1. The appeal is allowed and planning permission is granted for 2 no uPVC windows to front elevation at 3 Hurst Lea Road, New Mills, High Peak, SK22 3HP in accordance with the terms of the application, Ref HPK/2011/0385, dated 8 July 2011.

Main Issue

2. The main issue of the appeal is the effect of the windows on the character and appearance of the New Mills Conservation Area.

Reasons

3. The application was a retrospective one and the uPVC windows were in place at the time of my visit. Whilst original windows are an attractive feature of some individual buildings in the Conservation Area, it appears that many more replacement windows (in either uPVC or non-original style timber) exist than do original style timber ones. The number of original style timber windows frames is limited in Hurst Lea Road itself and there are none in the appeal property's own terrace of five dwellings. On this basis it appears to me that original style, timber framed windows are not an element of particular significance to the character or appearance of the Conservation Area.

4. It is apparent from the submitted photographs that the appeal scheme window frames are not significantly more 'chunky' than the timber ones they have replaced. Although the uPVC is somewhat shinier and less natural looking than the previous wooden frames I consider that the harm caused is outweighed by the more traditional style form of the window (ie equal sized upper and lower parts). I therefore conclude that, on balance, the windows are a marginal enhancement to the character and appearance of the Conservation Area. They thus have no conflict with the requirements of policies GD4 and BC5 of the adopted *High Peak Local Plan* that development is sympathetic to the area and preserves or enhances the character or appearance of conservation areas.

There is also no conflict with the advice in policy HE9.5 of *Planning Policy Statement 5 – Planning and the Historic Environment* that regard should be had to the desirability of enhancing conservation areas.

5. Reference is also made to Local Plan policy BC1's requirement that development in areas conspicuous from public viewpoints in conservation areas has natural facing materials, with which it is arguable that the appeal scheme does not accord. However, the weight I have given to this policy is limited by its lack of precision and specificity - it applies to all 30 conservation areas in the borough and whilst reference is made to walling and roofing materials neither the policy itself, nor its relatively lengthy supporting justification, refer to windows which, to my mind, are only debatably a 'facing material'. Moreover, the supporting justification refers to the preparation of Supplementary Planning Documents to guide development in individual conservation areas and I am not aware of the existence of one for New Mills.

6. I have given careful consideration to the views of local residents, although as indicated above I conclude that the appeal scheme marginally enhances the character and appearance of the Conservation Area. I recognise the importance to the planning system of consistency in decision making and I have sympathy with the residents in view of the money they have spent on timber windows at the 'insistence' of the Council. However, given that they could have chosen to challenge the Council's advice (as the appellant has done), this is not a good reason to refuse permission for the scheme.

7. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. The implementation time limit condition suggested by the Council is not needed as the development has already taken place. No other conditions have been suggested and I consider none to be necessary.

Malcolm Rivett

INSPECTOR