The Planning Inspectorate

Appeal Decision

Site visit made on 6th August 2012

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 21 August 2012

Appeal Ref: APP/H1033/D/12/2178313
30 Torr Street, Buxton, Derbyshire, SK17 6HW

- 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 Derek Liddle against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0564, dated 10th October 2011 was refused by notice dated 4 April 2012.
- The development proposed is described as a retrospective application for the replacement of two timber doors and 8 timber windows with one composite door, one uPVC door and uPVC windows.

Decision

1. The appeal is dismissed insofar as it relates to the windows and the rear door. The appeal is allowed insofar as it relates to the front door and planning permission is granted for the front door at 30 Torr Street, Buxton, Derbyshire, SK17 6HW in accordance with the terms of the application, Ref HPK/2011/0564, dated 10th October 2011, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Main issue

2. The main issue in this case is the effect of the development on the character and appearance of the locality, including on the Buxton Central Conservation Area (CA).

Reasons

3. The windows and doors have already been installed. The appeal therefore relates to a retrospective application. I understand that the work was carried out in early 2010, the appellant having been advised by the installer that no permission would be required. That is unfortunate, but it is not a reason to allow the development.

4. My starting point is Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in the saved policies of the High Peak Local Plan, notably Policy BC5 *Conservation areas and their settings* and more generally in Policy GD4 *Character, form and design*.

5. Only a matter of days before the Council issued its refusal notice, the Government published the new National Planning Policy Framework (NPPF),

which replaced earlier policy, including Planning Policy Statement 5 *Planning for the Historic Environment* (PPS5). The Council's delegated decision report still refers to PPS5 and does not take account of the NPPF. However, the provisions of the Act remain unchanged; and I am satisfied that the relevant saved local policies are consistent with the objectives of the NPPF. I therefore accord the saved policies full weight.

6. The appeal property is a typical stone-built house dating from the middle of the nineteenth century. It sits on the corner of Torr Street and St James' Street within a densely-developed part of the CA, which is mainly residential in character but also includes some commercial buildings, such as those directly opposite. Unlike most of the other houses in the street, which are terraced, it is semi-detached. The form, construction, style and detailing of the windows are important visual features of these houses. A number retain traditional timber sash windows, but a considerable proportion have been fitted with replacements in other styles, mostly top hung, in both timber and PVC. This has adversely affected the appearance of the modified houses and has diminished their historic and architectural importance and the contribution they make to the wider character of the street and the conservation area. This is partly due to the loss of original features and partly to the erosion of consistency.

7. I acknowledge that the appellant has sought to replicate the traditional style of windows in terms of proportions and detailing by, for example, adding "horns" to the upper elements to give the impression of sashes. But a comparison with the timber form as exemplified by those of its pair No 28 reveals significant differences. In addition to the lack of finesse in the detailing which is recognised by the appellant, the upper "sash" elements sit incongruously outside the main frame rather than within it. Moreover, the "horns" are oversized and are clearly additions. In my estimation, the replacement windows give no more than a superficial visual approximation of the appearance of the traditional sash form. The design is not authentic and fails to preserve or enhance the character or appearance of the CA. Consequently they fail to conform to the objectives of the local policies, the NPPF or the Act.

8. In reaching this conclusion I have taken account of the number of houses in the street and the locality which have had their windows replaced, and the poor design quality of many of them. However, the existence of inappropriate replacements elsewhere does not justify allowing more. Rather, it strengthens the argument against similar new windows, as the individual harm would add to and consolidate that which has already taken place. Moreover, the properties closest to No 30 which provide much of the immediate visual context including especially its pair No 28, and Nos 18 to 24 on the same side of the street all have timber sashes. In my view, sufficient houses remain wholly or mainly unchanged in the vicinity to make it worthwhile to seek to prevent further progressive, cumulative erosion of the character of the CA.

9. I note that some of the traditional windows which have survived are in poor condition and themselves are unattractive. I agree that poor maintenance can undermine the very characteristics that justify the designation of CAs. But these cannot be used as a reason to introduce inappropriately-designed replacements on other buildings.

10. I also note the appearance of the windows at No 30 before the replacements were fitted. The screenshot from Street View which has been supplied to me

seems to show timber windows with some of the upper panes top hung. They were probably not original to the house. I have considered whether, on balance, the new windows have preserved or enhanced the character or appearance of the house and the area but I take the view that they have not.

11. The new windows no doubt reduce the cost of heating the house and of maintenance. I recognise the benefits to the appellants. But this must be balanced against the harm to conservation interests. I have seen no evidence to show that it would not be practicable to fit windows with these characteristics that would still be in keeping with the house and its surroundings.

12. The Council does not object to the new front door. Though constructed of composite materials, it gives a good impression of a traditional timber door appropriate to the age and style of the house. It preserves the character and appearance of the CA and is acceptable. I conclude that the appeal should succeed with respect to this element of the development.

13. The appellant concedes that the rear door is of poor design which detracts from the appearance of the property, and he would be happy to replace it with one of a more appropriate design. I agree that the door is entirely out of keeping with the age and character of the house. Consequently, I conclude that permission should not be granted for this element of the development.

14. For the reasons given above, I conclude that the windows would fail to preserve or enhance the character or appearance of the Buxton Central Conservation Area and would be contrary to the objectives of saved Policies BC5 and GD4 and of national policy. They are unacceptable. Consequently I do not allow the appeal with respect to this part of the development

15. I have had regard to all other matters raised, including that the consequential need to replace the uPVC windows with something more appropriate will involve the appellant in financial outlay. I also note the lack of public objection to the development at both application and appeal stage. But none of these considerations is sufficient to outweigh the conclusions I have reached with respect to my main issue.

16. As the front door is already in place, there is no need for any conditions to be attached.

Jonathan G King

Inspector