The Planning Inspectorate

Appeal Decision

Site visit made on 15 January 2013

by E Norma Farish BA DIPTP MRTPI

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

Decision date: 28 January 2013

Appeal Ref: APP/H1033/D/12/2189375
15a St James Terrace, Buxton, Derbyshire SK17 6HS

- 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 Ms Laura Hill and Mr Rob Wymer against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0377 was refused by notice dated 29 October 2012.
- The development proposed is replacement of front and side ground floor bay windows.

Decision

1. The appeal is dismissed.

Main issues

2. This case turns on the impact of the windows on the character and appearance of the Buxton Central Conservation Area.

Reasons

3. The appeal property is subject to an Article 4 Direction which brings alterations, including replacement windows, within the control of the local planning authority. The appellant would have been made aware of this when purchasing the property.

4. The appeal property lies in a residential street close to the centre of Buxton. The site lies within the Central Conservation Area, which is characterised by 19th century two- and three-storey terraces in stone with slate roofs, attic dormers, part- and full-height bays with sash windows, and stone boundary walls. The area is very attractive and generally well cared-for.

5. Saved policies BC1, BC5, GD4, and H14 of the High Peak Local Plan 2008 require that development should respect the character of the original building and its surroundings in scale, design, materials, fenestration and external appearance and, in a conservation area, should preserve or enhance the special architectural or historic character or appearance of the area. These policies accord with the provisions of the National Planning Policy Framework of March 2012, which states that planning policies and decisions should ensure that developments respond to local character and history, and that development of poor design that fails to take the opportunities available for improving the character and quality of an area should be refused permission.

6. St James Terrace, although not a main thoroughfare, is wider than other streets nearby and has street trees. The houses are mostly tall, well detailed,

buildings of some style set back behind modest front gardens with stone boundary walls. The street therefore makes a more significant contribution than neighbouring streets to the character and appearance of the conservation area.

7. No.15a St James Terrace is a substantial mid-19th century end terrace house in a relatively prominent position, being taller and closer to the road than the two-storey houses to the north. It has three storeys above a semi-basement and bays to both front and side, that to the front being two storeys high whilst the side bay is full height. The original wooden sliding sash windows on the first and second floors were replaced with white uPVC windows by previous owners of the property some years ago and are now immune from enforcement action, but the two ground floor bay windows, and the moulded panels between ground and first floor windows, all previously of timber, have been replaced with white uPVC more recently without the benefit of planning permission, and are now the subject of this appeal.

8. These windows are bright, shiny white with wide glazing bars and top-opening mechanism and lack the fine detail of traditional painted timber windows. In consequence, the ground floor windows look incongruous, particularly when open, and out of keeping with the age and style of the house in the streetscene. Moreover, the outer timber window surrounds, which have been retained at first floor level on the front bay and first and second floor levels on the side bay, have been removed, which gives greater emphasis to the use of inappropriate material. The side window is partially screened from public view by a tall privet hedge on the frontage and a close boarded fence to the side boundary, but the front window is less than 3m from the public footway and clearly visible to passers-by. The development therefore is detrimental to the character of the building and also fails to enhance or preserve the character or the appearance of the conservation area, and so conflicts with the objectives of the local and national policies referred to in paragraph 5 above.

9. I accept that the original windows were draughty and not in good condition, and that the appellants acted in good faith and sought to match the new windows with those above. I am conscious that the adjoining house has uPVC windows on all floors, and that there are other houses in the terrace with replacement windows of poorer design than those which are the subject of this appeal but which presumably are immune from enforcement action. Nonetheless, the majority of houses in this and neighbouring streets still have wooden sliding sash windows, either original or, where poor condition made it necessary, matching replacements in timber.

10. Every additional uPVC window, and I saw some such windows in process of being installed when I made my inspection, will cause cumulative damage to the character and appearance of a conservation area of which Victorian sash and bay windows are a particularly important feature. I am aware that for a number of years the council has imposed on planning permissions in this locality conditions requiring windows to be in timber, and that in neighbouring Torr Street, which makes a lesser contribution to the character and appearance of the conservation area than does St James Terrace, and elsewhere in this conservation area, in the last year or so the council's opposition to uPVC windows on publicly visible elevations has three times been supported on appeal. The appellants refer to appeals in conservation areas in other towns in the borough where uPVC windows have been allowed on appeal, but each area

has its own character, and these examples do not persuade me that permission should be granted in this case.

11. I am aware that successful enforcement action against the appeal development would prove costly for the appellants, and no doubt the council will take this into account. Even so, bearing in mind the Article 4 Direction, I do not consider this, or any other matter raised, sufficient to outweigh the planning issues referred to above. The appeal fails.

E Norma Farish

INSPECTOR