The Planning Inspectorate

Appeal Decision

Site visit made on 8th July 2013

by Alison Roland BSc DipTP MRTPI

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

Decision date: 20 August 2013

Appeal Ref: APP/H1033/A/13/2195860
Flat 1, 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 Ms Sharla Stribling against the decision of High Peak Borough Council.
- The application Ref: HPK/2013/0014, dated 6 January 2013, was refused by notice dated 25 February 2013.
- The development proposed is removal of 9 single timber glazed windows of mixed design on the first floor and replacement with uPVC double glazed units to a uniform design. 2 windows on the North elevation, one on the North East, four on the East elevation and two to the rear of the property onto a roof terrace.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The windows in question are already installed on the property. I shall determine the appeal on the basis of a refusal of retrospective permission for the windows.

Main Issue

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Buxton College Conservation Area.

Reasons

4. The Buxton College Conservation Area is centred on the college buildings which lie some distance from the appeal site, but also takes in the surrounding, predominantly residential streets. There is a diverse range of house designs and whilst those in the vicinity of the college include houses of the Arts and Crafts style which occupy larger plots, the North Eastern section of the Conservation Area has a tighter urban grain, with older semi detached and terraced properties dating from the Victorian era. Many of the latter properties feature sliding sash windows, although there have been some unsympathetic modern replacements.

5. The appeal property occupies a corner site at the intersection of several major roads and consequently occupies a prominent position. It has a painted stone façade beneath a blue slate roof and has a plainer appearance than many of the grander villa style properties in the Conservation Area.

6. The windows which have been already installed, appear somewhat clumsy in design and lack the typical fine detail and moulding compared with a traditional sliding sash window. The central glazing bar also appears unauthentic, sitting as it does between the panes of glass and failing to create a convincing impression of four separate panes. The fact the windows are top opening compounds their fake appearance, especially when in the open position, whereby they jut out from the face of the building. However, when looked at in the context of the Conservation Area as a whole, I consider the harm would be less than substantial in accordance with paragraph 134 of the National Planning Policy Framework (the Framework).

7. I take the appellant's point that the ground floor of the premises is in commercial use, but I do not consider that this implies that greater latitude should apply to the design of the first floor windows, especially as the shop front appears to be of some vintage and retains elegant moulding to the windows.

8. The appellant refers to a photograph dating from August 2011 and suggests that at least some of the windows had been modified from their original design. Whilst one of the smaller windows on that photograph does appear to be of a non sash type, the others appear to be of sliding sash, although it is difficult to ascertain the precise design as the photograph is not sufficiently clear.

9. I fully appreciate that many nearby properties have less than sympathetic plastic windows fitted. However, without knowing the full details of those cases, including whether they in fact benefit from planning permission, it is difficult to make a meaningful comparison with the appeal before me, which I must determine on its merits.

10. I am mindful that several of the windows have low internal sill heights and I appreciate the appellant's concern in relation to safety for the occupants, particularly young children, as well as for pedestrians below. I also accept that the new windows are likely to be thermally superior to those they replaced and offer improved sound insulation, particularly from heavy traffic in the area. However, the fact is that the windows which have been installed are not the only means of achieving these benefits and a more sensitive design could achieve similar benefits.

11. The appellant claims that there would be a wider public benefit insofar as the windows have allowed the continued safe operation of the Fiveways Café and launderette below the appeal premises. However, these premises have presumably functioned adequately before the windows were installed and there is no clear evidence to suggest that the windows in their original form resulted in any actual harm to public safety. Moreover, any perceived danger in this regard could be addressed in other more sympathetic ways. I have therefore attributed this factor limited weight in the overall balance. Overall, even when looked at in the round, I consider that the harm identified would outweigh any

benefits put forward by the appellant. I do not consider that the addition of "horns" to the windows as the appellant suggests, would overcome my concerns.

12. Overall on the main issue, I conclude that the windows fail to preserve or enhance the character of appearance of the Buxton College Conservation Area. This would bring the proposal into conflict with Policies BC1, BC5 and GD4 of the High Peak Local Plan which promote natural materials in Conservation Areas, and developments which through their design, materials and fenestration are sympathetic to the character of the area. It would also conflict with the guidance in the Framework which seeks to enhance the significance of heritage assets and preserve those elements which make a positive contribution to them.

ALISON ROLAND

INSPECTOR