

Appeal Decision

Site visit made on 28 March 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/H1033/D/17/3168686
19 Silverlands, Buxton, SK17 6QH

- 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 Oliver Wainwright against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0666, dated 8 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is described as "replace the rotting and leaking front windows of the property with Genesis VS double glazing units from Bison. These Genesis VS windows will be identical to the units already installed on the back and sides of the property (work covered in planning application HPK/2016/0246). These windows will be installed by Sanderson of Chesterfield. All materials and works would take place within the bounds of the property and no other property in the area would be affected."
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Decision

1. The appeal is allowed and planning permission is granted to replace the front windows on the property with Genesis VS double glazing units from Bison at 19 Silverlands, Buxton, SK17 6QH in accordance with the terms of the application, Ref HPK/2016/0666, dated 8 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A_WHR_E_400 A; A_WHR_P_400 C; Location Plan at a scale of 1:1250 and Site Plan at a scale of 1:200 and the manufacturers details submitted with the application.
 - 3) The external surfaces of the replacement windows hereby permitted shall match those of the existing windows on the side and rear elevations.

Procedural Matter

2. The description of the development in the heading above is taken from the planning application form. I have removed those aspects that are superfluous in my formal decision.

Main Issue

3. The main issue in this case is the effect of the proposed replacement windows on the character and appearance of the Buxton Hardwick Conservation Area.
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Reasons

4. The appeal site lies within the Buxton Hardwick Conservation Area. The Buxton Conservation Areas Character Appraisal (April 2007) (BCACA) identifies the main characteristics of the area as the landmark Trinity Church tower which is a focal point in many views, large detached and semi-detached houses with glimpsed views between of local landmarks, long panoramic views looking north from the brow of the hill at Holker Road and Hardwick Square South and tree lined avenues. It also states that the vast majority of buildings within the conservation areas make a positive contribution to the character of Buxton and indicates the importance that window joinery and bay windows make to the character of the area.
5. The appeal building is characteristic of the conservation area being a large three storey semi-detached villa dating from between 1879-1900 which is constructed from coursed gritstone with a slate roof and a two storey stone bay on the front elevation. The front of the appeal property retains a complete set of traditional sliding sash windows. However, these are in a poor condition and whilst the windows contribute to the character and appearance of the host building and thus to the character and appearance of the wider conservation area, their condition limits their likely longer term contribution. The windows to the side and rear of the appeal property have been replaced with Upvc replacement sash windows in a traditional design and a cream finish which preserve the character and appearance of the conservation area. The appellant indicates that the proposed replacement windows to the front elevation would be of the same design as those on the side and rear of the property.
6. The Council's Conservation Officer acknowledges the quality of the proposed Upvc replacement windows and I see no reason to take an alternative view. Furthermore, the design and detailing of the windows would reflect that of the existing timber windows. Whilst there are some anomalies in the fine detailing of the proposed windows compared to the existing windows these differences are minimal and would be largely indiscernible when viewed from the street scene. Accordingly, I am satisfied that the proposed windows, despite not being made of wood, would not compromise the overall aesthetic qualities of the host building and would sensitively reflect the defining characteristics of the conservation area so as not to harm its character or appearance.
7. To conclude therefore, the proposed development would preserve the character and appearance of the Buxton Hardwick Conservation Area and would comply with policies S7, EQ6 and EQ7 of the High Peak Local Plan 2016 which taken together seek to ensure that development proposals protect the historic environment, contribute to an areas character and contribute positively to the character of the built and historic environment. There would also be no conflict with paragraph 131 of the National Planning Policy Framework which states, amongst other things, in determining planning applications account should be taken of sustaining the significance of heritage assets.

Conclusion and Conditions

8. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should be allowed. In addition to the standard implementation condition it is necessary to impose a condition requiring the development to be constructed in accordance with the approved

plans and the manufacturers details submitted with the application to provide certainty. To ensure that the external appearance of the property would not be harmed and that the character and appearance of the conservation area would be preserved, a condition requiring the external surfaces of the replacement windows on the front elevation to match those of the windows on the side and rear elevations is necessary. Therefore, I have amended the wording of the standard condition requiring matching materials suggested by the Council to more appropriately reflect the circumstances of this case.

Beverley Doward

INSPECTOR