



Appeal Decision

Site visit made on 12 June 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/H1033/D/24/3342279

1 Clifton Road, Buxton SK17 6QL

- 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 Rachel Johnson against the decision of High Peak Borough Council.
- The application ref. is HPK/2023/0304.
- The development proposed is described on the application form thus: *"We would like to replace all current sash windows with UPVC sash windows instead. There are 2 sky lights (Velux type) that we would also replace with newer sky lights as they are damaged and leaking."*

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed replacement windows, in respect of their materials, on the character and appearance of the Buxton - Hardwick Conservation Area (BHCA), a designated heritage asset.

Reasons

3. The appeal concerns a house situated at the end of a 3-storey, stone-built terrace in the BHCA. The host terrace contains 4 typical villa-style properties (1, 2, 3 and 4 Clifton Road) and dates from the late 19th century. The BHCA near the appeal site is largely residential in character. Many of the original features of the houses are still intact.
4. The architectural and historic interest of the host terrace is derived from the form, scale, materials and detailing of the buildings. The end houses (nos 1 and 4) have 2-storey advanced bays, whereas the middle houses (nos 2 and 3) have single-storey advanced bays. All of them have traditional timber sash windows. No. 1 has added significance because of its prominent corner location on the junction between Clifton Road and Silverlands and because it seems to have been consciously designed to provide a wider elevation to Silverlands where it directly opposes the junction with Holker Road. The eye is certainly drawn to this elevation, which has a single-storey advanced bay and many windows, on the approach along Holker Road.

5. I consider that the appeal property and the host terrace make a strong contribution to the character, appearance and significance of the conservation area.
6. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
7. The development plan policies that are of most relevance are Policies S 7, EQ 6 and EQ 7 of the High Peak Local Plan 2016.
8. In short, part of the Buxton Sub-area Strategy in Policy S 7 provides for protecting and enhancing the historic environment. Policy EQ 6 supports high quality design requiring development to contribute positively to an area's character, history and identity in terms of, amongst other things, appearance, materials and the relationship to adjacent buildings. Policy EQ 7 sets out detailed policies on the built and historic environment. It says that the Council will conserve heritage assets in a manner appropriate to their significance and use Article 4 Directions to control permitted development in the conservation areas of Buxton. The BHCA is covered by such a Direction which seeks to protect its character. The Direction removes householder permitted development rights, including in relation to the alteration of any window which fronts a highway.
9. These policies broadly accord with the National Planning Policy Framework (the Framework) which also gives guidance on levels of harm to designated heritage assets and how these should be weighed in paragraph 208. This states: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
10. The appellant's case can be summarised as follows: the use of the same full sliding sash windows that were approved on appeal at 19 Silverlands (not no. 17 as stated) under ref. APP/H1033/D/17/3168686; the timber windows have significantly deteriorated as the previous owner could not manage their upkeep leaving the house to appear in bad repair and derelict in parts; there are poor quality uPVC windows nearby within the conservation area which do not replicate traditional sash sliding windows that have been approved by the Council at some point; the decision ignores the issues of damp, mould and condensation throughout the property and the health problems this causes; the Council disregarded the environmental impact and the cost involved in having to heat a property with poor, rotting single glazed front windows; and the Council did not discuss the application.
11. The painted timber sliding sash single-glazed windows at no. 1 are original, considerable in number given their spread across 2 main elevations and very prominent. The windows appeared to me to be in a reasonable condition for their age. The glazing has imperfections commensurate with its age. The historic appearance of the property is maintained, at least in part, by the materials and design of these original windows. The surveyor's report referred to in the Delegated Decision Report says that the windows were not tested or opened but appeared fragile upon inspection and will require a complete overhaul with repair and possible replacement with new

thermally efficient double-glazed units. The total loss of these original windows should be seen as a last resort and I agree with the Council that the assessment work carried out so far is not such as to conclusively declare the windows to be irreparable.

12. The replacement windows the subject of the appeal would be similarly very prominent and stand out as incongruous because of the different modern reflective shiny appearance and character of plastic compared to painted timber, the introduction of double glazed units and the slight differences in profiling and detailing. Even though the subject uPVC sash windows would no doubt be professionally installed, they would lack the elegance of timber sliding sash windows and be unsympathetic to the traditional appearance and architectural composition of the appeal property and the host terrace. The ripples and imperfections of the historic glass would not be replicated. All this would unfortunately be brought into sharp relief given that timber sliding sash windows would remain in place in the rest of the host terrace.
13. Timber sliding sash windows are intrinsic features to the traditional architectural form and character of the host building. The appeal scheme would not represent high quality design as it would not respond positively to the area's character, history and identity in terms of, amongst other things, appearance, materials and the relationship to adjacent buildings. Moreover, the unjustified loss of original details, like windows, can be a cumulative process which, if left unchecked, would be damaging to the conservation of the built heritage.
14. There are some differences between the case before me and the appeal case at 19 Silverlands (no. 19). I have no information about whether the sash windows that were replaced at that nearby property were original or not. Far more windows are involved at no. 1 which occupies a far more prominent position in the street scenes and forms part of a terrace that contains timber sliding sash windows. The dwelling at no. 19 is a semi-detached property with unsatisfactory uPVC windows evident in the partner property at no. 17. The quality of the replacement windows at no. 19 was recognised in the appeal decision and by the Council's Conservation Officer. The appellant says she has specifically selected the same full sliding sash windows that were approved at no. 19. Although not critical to my decision, I cannot find any reference to *Genesis VS double glazing units from Bison* in the specification details with the application the subject of this appeal. Notwithstanding these observations, each development must be considered on its own merits.
15. It is true that some other properties in Silverlands now have double-glazed uPVC windows. Apart from no. 19, no detailed planning history has been put before me to suggest that they have been approved by the Council. It is possible that some of the windows identified (apart from no. 19) may have become immune from enforcement action by virtue of the passage of time. In my judgement, the examples for the most part demonstrate the harm to the character and appearance of the conservation area that results from inappropriate replacement windows and accords some importance to preserving the historic integrity which remains.
16. I understand some of the advantages of modern materials, and of uPVC windows in particular, but living in an attractive historic conservation area,

in a building that helps to contribute to its qualities, will often bring additional expense and sometimes a little inconvenience.

17. One of the third party contributors has referred to advice notes from Historic England that deal with window repairs, draft proofing and secondary glazing and points to companies that specialize in sash window refurbishment. The Council's Residential Design Supplementary Planning Document 2005 explains how windows are the most important consideration of a façade because they are a building's 'eyes'. A general principle for designing windows, anywhere in the borough, is a preference for painted timber frames rather than stained, plastic or metal ones.
18. I find on the main issue that the proposed replacement windows would fail to preserve the character and appearance of the BHCA due to the use of non-traditional material which does not replicate traditional joinery. The significance of the designated heritage asset – the conservation area – would be diluted.
19. In terms of the Framework, the magnitude of the harm to the significance of the designated heritage asset may properly be considered to be less than substantial. I accept that the installation of uPVC sash windows may have some benefits for the occupiers, including in respect of thermal efficiency, tackling the damp, mould and condensation throughout the property and reducing heating costs and ongoing upkeep. To the extent that increasing thermal efficiency may amount to a public benefit in addressing climate change, there is no evidence to indicate that the appeal scheme is the only way of achieving this or the other benefits which are chiefly private to the occupants of the property. Moreover, uPVC windows have a higher overall environmental impact, do not last as long, and are difficult to maintain, repair and recycle. In weighing the harm to the significance of the designated heritage asset against the public benefits of the proposal, the balance of judgment is firmly in favour of the preservation of the BHCA.
20. National planning policy, as well as that in the development plan for the borough, places considerable weight on avoiding harm to conservation areas. In addition, there is a general duty placed on a planning decision maker under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Conclusion

21. For the above reasons and having taken into account all other matters raised, including the contributions of third parties for and against the application, I conclude that the proposal conflicts with the development plan and with the approach taken in the Framework. I find no other material considerations of sufficient weight to justify a grant of planning permission. Accordingly, I dismiss the appeal.

Andrew Dale

INSPECTOR