

DELEGATED DECISION REPORT

HPK/2024/0177
Valid 29/04/2024

BRENTWOOD
SILVERLANDS
BUXTON

REPLACEMENT OF THE
EXISTING WINDOWS AND
DOORS WITH SPECIALITY
DOUBLE GLAZING WINDOWS
AND DOORS.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Heritage – conservation area
- Design

DESCRIPTION OF SITE

The dwelling known as 'Brentwood' is an end terrace property on the corner of Silverlands and Hardwick Square East. The dwellinghouse is of stone and slate construction with timber sash windows. Brentwood is located within the Buxton Hardwick conservation area, with Article 4 in place.

PROPOSAL

Planning permission is sought for replacement windows and doors. The replacements will be double glazed upvc of a similar appearance to the existing windows and doors.

Revised plans show the windows will be 2 over 2 pane upvc windows. Further revised details of the proposed uPVC door will be finished in an navy blue.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
S7 Buxton Sub Area Strategy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

Supplementary Planning documents

Buxton conservation Area Character Appraisal 2007

National Planning Policy Framework

Section 4 Decision-making

Section 12 Achieving well-designed and beautiful places

Section 16 Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/2070 Proposed Extension To Form Conservatory And Play Area.
APPROVED

HPK/0003/5679 Replacement Of Single To Double Garage APPROVED

HPK/2023/0414 – Replacement Doors and Windows REFUSED

CONSULTATIONS

Publicity

Site Notice expiry date: 19/06/2024

Neighbour consultation period ends: 30/05/2024

Press Advert: 06/06/2024

Public Comments

One support comment has been received:

‘The Genesis windows that have been suggested by the applicants would offer a current, affordable solution to replacing windows in this conservation area and as neighbours we wholeheartedly support this application. The replacement Genesis windows will only enhance the appearance of the house, and enable heat to be better retained within the property. These windows, although UPVC, are incredibly sympathetic to the style of the existing windows and despite the environmental impact of polymer windows, the energy retention will far outweigh these environmental impacts.’

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

No comments to make

HPBC Conservation Officer

Objection

- Unclear plans
- Lack of information of current window condition

OFFICER COMMENTS

Principle of Development

LP Policy S 2 states that development should be directed towards sustainable locations, including Market Towns such as Buxton. The site is situated within this built-up area boundary. Therefore the principle of the development is acceptable subject to consideration of the following policy.

Design and heritage

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

LP Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

LP Policy S7 states that in order to establish Buxton as a leading spa town the council will aim to protect and enhance the unique character of Buxton's spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism by: Protecting and enhancing the historic environment.

Section 16 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Buxton Conservation Area Appraisal for the Buxton Hardwick character area identifies large detached and semi-detached villa houses as being characteristic of the character area.

The application site is noted as a large villa characteristic of the Hardwick Conservation Area. The dwellinghouse currently features a timber sash windows characteristic of this type of dwelling and characteristic of the wider conservation area.

The Conservation officer has raised objections based upon unclear plans. Since the initial concerns additional information has been received, which now show that all windows are intended for replacement including replacement of the existing door.

The Conservation Officer has also objected on the basis that insufficient justification has been provided for the proposed replacement. However, the current timber windows do not appear to be original to the dwelling. When compared to the

adjacent dwelling (no.1 Cuzon Palace Hardwick Square East) the existing windows appear of poor quality. No. 1 Hardwick Square East, features very traditional 2 over 2 pane timber windows with horns. In contrast the application site has 1 over 1 panes timber windows, and in some places without horns. As such the existing windows are considered to be a previous replacement, or substandard design.

The proposed uPVC windows proposed have been used nearby at 19 Silverlands. An officer site visit confirmed that these were in situ and presented a good example of heritage appropriate uPVC windows. The proposed windows will reinstate the 2 over 2 pane design with horns. This will present a visual improvement and more characteristic and traditional of the conservation area, which will outweigh to the loss of use of timber.

The recent refusal of HPK/2023/0304 and subsequent dismissal at appeal (APP/H1033/D/24/3342279) is acknowledged. HPK/2023/0304 regarding 1 Clifton Rd, within the Buxton Hardwick conservation area proposed a similar scheme, but was dismissed.

The inspector at para 14 states:

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.

Here the inspectorate makes it clear that each case should be considered individually. The inspector also references the importance of retaining original windows vs later replacements. As such the application site must be considered in comparison to no. 1 Clifton Road which proposed the loss of original windows. The existing windows at Brentwood are not considered to original and are of low quality in comparison. Furthermore, the inspector notes the lack of details submitted with the appeal at no. 1 Clifton Road, as such they could not be sure that the proposed windows would be the same as at no. 19. In contrast, the applicant at Brentwood has submitted full details of the proposed windows from the genesis range. As such the full details of the proposal can be assessed in contrast to the in situ window at no. 19.

Moreover, the submitted details of the proposed windows present a design similar to that which would have been original to the host dwelling. The proposed 2 over 2

design is characteristic of the conservation area. As the existing windows are not considered to be original, nor are they of the 2 over 2 pane design characteristic of the area, their loss is considered to be outweighed by the reintroduction of a more accurate 2 over 2 design.

As such the loss of the existing timber windows is not considered to harm the conservation area. The introduction of visually improved windows, outweigh the loss of the timber and as such will sustain the conservation area. As such the proposal is considered acceptable in terms of design and heritage LP Policies EQ 6 and EQ7.

Amenity

Section 12 Paragraph 135(f) of the NPPF states that development should create places with a high standard of amenity for existing and future users.

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn't cause unacceptable effects by reason of vision intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

From the plans provided it does not appear that the size or position of any openings will be changed. Therefore there is no amenity impact.

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if "likely significant effects" (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an "Appropriate Assessment" where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

The proposed scheme is considered unacceptable in terms of design and heritage. The proposal is considered to cause less than substantial harm the Buxton Hardwick Conservation Area. Such harm has not been outweighed by public benefit

and as such fails NPPF para 208. The proposal also contradicts Local Plan Policies S7, EQ6 and EQ7. As such the application is recommended for refusal.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Rachel Robinson

Recommendation Date: 1st October 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council