



Appeal Decision

Site visit made on 22 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/H1033/W/24/3339199

Trinity Parsonage, Hardwick Square East, Buxton, Derbyshire SK17 6PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Susan Hobson against High Peak Borough Council.
 - The application Ref is HPK/2023/0400.
 - The development proposed is to replace windows with sash UPVC to match existing.
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Decision

1. The appeal is dismissed and planning permission to replace windows with sash UPVC to match existing is refused.

Preliminary Matter

2. This appeal follows the Council's failure to determine the planning application. The Council has stated that the planning consent was refused on 6 March 2024, but that jurisdiction was taken away from them following the submission of the appeal on 21 February 2024. The Council's Statement of Case sets out the reason why the planning application would have been refused had it been able to do so.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Buxton Hardwick Conservation Area (Conservation Area).

Reasons

4. The appeal property consists of a large, detached villa which is situated along a tree lined street that contains large properties set within grounds that contain mature planting. The traditional form of the buildings, with the consistent use of stone and slate, as well as timber sash windows contribute positively to the significance of the Conservation Area.
5. The appellant has set out that the proposed replacement windows seek to replicate the appearance of the existing wooden windows. The use of UPVC is not however able to reproduce the detailing of the traditional timber sashes, in terms of the frame size, the moulding, as well as due to its differing appearance as a material. Whilst the windows may not be original, the use of traditional materials is a significant positive contributor to the character and appearance of the Conservation Area. The introduction of UPVC double glazed windows would have a harmful effect on the significance of this heritage asset.

6. I therefore conclude that the proposed development would fail to preserve the character and appearance of the Conservation Area. In terms of the National Planning Policy Framework (Framework), I assess the harm to be less than substantial. Even so, great weight should be given to an asset's conservation. Paragraph 208 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
7. The appellant has referenced the improved thermal efficiency that would be provided by the proposal. I have not however been provided with any detailed consideration of alternatives to improve the thermal quality of the building, through for example the use of secondary glazing. Whilst the condition of the existing windows has been referenced, the submitted Survey Report¹ sets out that the windows are in good condition other than the need for painting. Reference has also been made to the lower cost of UPVC windows in comparison to timber, allowing for spending on preserving other parts of the building. It is not however clear why other repairs would be dependent on the saving from the windows or that bringing the building back into use is dependent on this appeal proposal.
8. Consequently, the public benefits that would arise from the proposal do not outweigh the harm that would be caused to the heritage asset, to which the Framework states great weight should be afforded. Accordingly, the proposal conflicts with the Framework in terms of its aims to sustain and enhance the significance of heritage assets.
9. As such, the appeal development would conflict with Policies S 7, EQ 6 and EQ 7 of the High Peak Local Plan Adopted April 2016, which seek development that responds positively to its environment and to prevent the loss of features which make a positive contribution to the character or heritage of an area.

Other Matters

10. The appellant has referenced the precedent set by a number of other decisions. From the information available, there are differences with this appeal proposal. The application at 1 Silverlands² comprised of the replacement of 2 windows on the rear and side elevations, and on a property already having windows formed of UPVC material. The description of development on the appeal decision at 19 Silverlands³ also references the replacement of rotting and leaking windows which is not the case with the appeal before me. In relation to 2 Hardwick Square South⁴, this referenced development differed from this appeal proposal in that it consisted of a pair of French Doors on the ground floor which would have a low visibility from public vantage points unlike the 26 windows that are proposed to be replaced on this appeal. I recognise that in certain circumstances, UPVC windows have been considered acceptable in Conservation Areas, however, I am not persuaded that these and other referenced developments provide support for the appeal proposal, which would be harmful for the reasons set out.
11. I have taken into account other matters raised relating to the lifespan of UPVC windows and the ability of modern materials to be recycled, but this does not alter my conclusion in relation to the main issue.

¹ Jonathan V. Davies Chartered Surveyors, April 2023

² LPA Ref: HPK/2016/0187

³ Appeal Ref: APP/H1033/D/17/3168686

⁴ LPA Ref: HPK/2022/0172

Conclusion

12. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed and planning permission refused.

F Rafiq

INSPECTOR