



Appeal Decision

Site visit made on 19 September 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 3rd October 2016

Appeal Ref: APP/D0515/W/16/3153566

32 Gracious Street, Whittlesey, Cambridgeshire PE7 1AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Graham Abblitt against the decision of Fenland District Council.
 - The application Ref F/YR16/0112/F, dated 2 February 2016, was approved on 8 April 2016 and planning permission was granted subject to conditions.
 - The development permitted is erection of a single-storey extension to hall at rear including the provision of new entrance to side and the replacement of existing windows.
 - The condition in dispute is No 2 which states that: Prior to the commencement of the development hereby approved details of the proposed windows (both replacement and new) shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the approved plans/application form the use of uPVC is unlikely to prove acceptable given the prominence of the building within the Whittlesey Conservation Area. All works shall then be executed on site in accordance with the approved details and retained in perpetuity thereafter.
 - The reasons given for the condition is: In the interests of visual amenity and to ensure compliance with Policy LP16 and LP18 of the Fenland Local Plan adopted May 2014.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the condition is reasonable or necessary in the interests of the character and appearance of the Whittlesey Conservation Area.

Reasons

3. The Whittlesey Baptist Church is situated at the eastern end of Gracious Street and within the Whittlesey Conservation Area (Conservation Area). The Whittlesey Conservation Area Appraisal and Management Strategy identifies it as a potential building of local interest and the most impressive of the town's nonconformist churches.
 4. It is a gault brick chapel built in 1836 which was designed in a classical style with a 'temple' frontage. The old school room and hall adjoining to the north and west are of a simple and domestic scale. Whilst there have been some changes the historical form and architectural features of the buildings are clearly still legible. The building is representative of its type and era and consequently makes a positive contribution to the character and appearance of the Conservation Area.
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5. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework 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.
6. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 of the Framework confirms that where a development proposal would 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 securing its optimal viable use.
7. Permission was granted for the erection of a single storey extension to the rear of the building. The existing school room would be converted to provide new toilet facilities and a new kitchen. There is no dispute between the parties that the principle of the proposed extension is acceptable. There is also no dispute between the parties that the use of powder coated aluminium to form the entrances to both the new extension and the existing side church hall is acceptable. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
8. The Council consider, however, that the use of uPVC in the replacement windows in the existing side hall and also the new window in front of the proposed extension would be unacceptable given the location within the Conservation Area.
9. The existing windows in the hall are wooden painted windows with a fixed four pane light at the bottom and an inward opening hopper-style two pane light at the top. Whilst there have been some repairs the uniformity of the panes and their condition indicates that they are the original windows. The hopper style opening top lights were often used in school buildings of that era. Whilst the windows may lack the finesse of traditional sliding sash windows they are, nevertheless, characteristic of the function and era of building. Consequently, I consider that the windows make a significant contribution to the character and appearance of the building and Conservation Area.
10. The appellant intends to install uPVC windows of a similar design to those installed in the adjacent Manse. However, the windows in the school room are not sliding sash windows of the nature installed in traditional domestic properties. Consequently, the proposed uPVC, sliding sash style of the windows installed in the Manse would not reflect the simpler wooden hopper style windows of the existing building which are characteristic of this function and era of building. I consider that the domestic design and modern, stark materials would contrast markedly with the originals.
11. Three of the windows to be replaced face onto Ivy Lane a pedestrian route from Claygate through to Gracious Street. The windows are at a ground floor level and are, therefore, highly prominent in the street scene. They also face a grade II listed building, no 38 Gracious Street. The window to be replaced which faces the internal courtyard is situated at the entrance to the hall and would also be highly visible to people entering and leaving the building. The window to be installed adjacent to front entrance of the proposed extension would also be visible in the Conservation Area, albeit would be seen in the context of the more recent addition to the hall. I, therefore, consider that the replacement of the existing windows

with uPVC windows would have a harmful effect on the character and appearance of the Conservation Area.

12. Attention is drawn to uPVC windows which have been allowed in the Manse which is situated to the front of the church and hall. However, I note that the permission retains timber windows to the front elevation and that only side and rear elevation doors and windows have been allowed in uPVC. I also note that there is only one small first floor window in the flank elevation of the Manse which abuts Ivy Lane. The other windows are at a first floor level and are not, therefore, as prominent in the street scene. I also note from the appellant's submissions that the wooden windows which were replaced in the Manse were not the original windows. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
13. For the reasons stated above, I conclude proposed uPVC windows would fail to preserve the character and appearance of the Conservation Area the desirability of which I am required to have special regard and attention and to which the Courts judge I am required to give considerable importance and weight. Whilst this harm is less than substantial I consider that the benefits of the proposal for the appellant in terms of providing improved efficiency and maintenance would not outweigh the harm which I have identified.
14. Consequently, I consider that it is reasonable of the Council to require timber windows. However, I note that the wording of condition 2 is such that there remains an element of flexibility for the appellant to negotiate with the Council regarding the design and materials of the windows.
15. Given the prominent location and the contribution which the windows and building make to the Conservation Area, I conclude that condition 2 is both reasonable and necessary in order to protect the character and appearance of the Whittlesey Conservation Area.
16. The proposal is, therefore, contrary to Policy LP16 of the Fenland Local Plan (Local Plan) (2014) which states that proposals for all new development, including where appropriate advertisements and extensions and alterations to existing buildings, will only be permitted if it can be demonstrated that the proposal, amongst other things, protects and enhances any affected heritage assets and their settings. The proposal is also contrary to Policy LP18 of the Local Plan which states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. Furthermore, the proposal is contrary to paragraphs 132 and 134 of the Framework.

Conclusion

17. For the reasons stated above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

INSPECTOR