
Appeal Decision

Site visit made on 14 September 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/H1705/D/16/3154750

62 Lower Brook Street, Basingstoke, Hampshire, RG21 7RT

- 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 Jackson against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 16/00704/HSE, dated 29 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is replacement of the front elevation windows.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of the front elevation windows at 62 Lower Brook Street, Basingstoke, Hampshire, RG21 7RT in accordance with the terms of the application, Ref 16/00704/HSE, dated 29 February 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:
 - Cross section received 01/03/2016
 - Existing First floor received 01/03/2016
 - Existing front elevation received 01/03/2016
 - First floor window received 01/03/2016
 - Isometric bay received 01/03/2016
 - Location plan received 01/03/2016
 - New bay front window received 01/03/2016
 - New window elevations received 01/03/2016
 - New windows elevation isometric received 01/03/2016
 - Site plan received 01/03/2016
 - 3) The replacement windows hereby permitted shall be Masterframe 'Bygone Symphony' uPVC double-glazed units and shall sit within the original window recesses and shall employ a semi-matt white wood grain foil wrap finish.

Procedural Matters

2. The Basingstoke and Deane Borough Local Plan 2011-2029 was adopted on 26 May 2016, shortly after the Council's decision in respect of this application. The Council's decision notice refers to saved Policy E3 of the Basingstoke and Deane Borough Local Plan 1996-2011 which has now been superseded and therefore
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no longer has statutory weight as part of the development plan. My decision is made on the basis of the development plan in place at the time of writing.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Brookvale West Conservation Area.

Reasons

4. The appeal property is a mid-terraced house on the north side of Lower Brook Street. In common with the style of other properties in the terrace (house numbers 46-72), the house has on its front elevation a bay window with hipped slate roof at ground floor level with two sash windows at first floor level. The site sits within the Brookvale West Conservation Area. In determining this appeal, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, which is a designated heritage asset and my statutory duties¹ in this regard.
5. The proposal seeks to replace the three existing painted timber windows on the front elevation of the house with double glazed white uPVC windows from the Masterframe 'Bygone Symphony' range. Policy EM11 of the adopted Local Plan states that all development must conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance. This echoes the provisions of section 12 of the National Planning Policy Framework (the Framework).
6. The Brookvale West Conservation Area Appraisal (CAA), adopted as Supplementary Planning Guidance in July 2003, identifies distinctive features of properties along the north side of Lower Brook Street as sash windows with Art Nouveau details using narrow panes to each side of the window and a large pane in the centre, as well as ground floor bay windows with sash openings. Joinery is of particular importance in the Conservation Area. The appeal property is identified as a building of notable contribution.
7. I note the representations from the Basingstoke Heritage Society in relation to the removal of the original windows which it considers contribute significantly to the character of the property and the Conservation Area as a whole. Whilst I note the Society's preference for timber replacement windows, I am not aware of any duty in current policy explicitly requiring applicants in conservation areas to demonstrate that replacement with the same materials is not possible. I am also mindful that the Design and Sustainability Supplementary Planning Document – Appendix 4 – 'The Historic Environment: Conservation Areas' (adopted September 2008) warns that the gradual loss of defining features such as timber sash or casement windows can greatly affect the overall appearance of an area. The original windows undoubtedly have evidential, historic and aesthetic value, as described in Historic England guidance².
8. I also note, however, that the existing windows at both ground and first floor levels are in a poor state of repair, with rotting of the timber frames clearly evident. The opinion of the appellant's surveyor is that the windows are now beyond practical repair although I note that the Council does not share this view. In any event, the evidence before me indicates that the current state of

¹ Under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Historic England (April 2015) 'Traditional windows: their care, repair and upgrading'

the windows, which the appellant contends cannot be fully closed or locked at ground floor level, is leading to degradation of the living conditions of the occupiers of the property in terms of warmth and safety. It also has the potential to affect the fabric of the building through damp and mould. The proposal would have the benefit of improving both the energy efficiency and security of the property.

9. I saw on my site visit that a number of other houses in the same terrace have double glazed uPVC replacement windows in their front elevations. The Council has cited two appeal decisions³ from elsewhere in the country in which Inspectors have found that the presence of other uPVC windows in proximity to proposals has not reduced the importance of original timber windows to a conservation area. I agree with that position in this context and note the CAA acknowledges that despite the incidence of uPVC windows in the vicinity, enough of the original features remain to make the area special. However in this case, the matter in dispute appears not to be whether uPVC windows in general would be acceptable in this location but whether the specific windows proposed would harm the character and appearance of the Conservation Area.
10. The proportions and layout of panes within the proposed windows would mirror those existing and all of the windows would operate as vertical sliding sashes. The frames would be finished in a semi-matt wood grain effect foil to give the appearance of painted wood, which would avoid the 'shiny' finish of uPVC. The plans indicate detailing to replicate that on the existing windows such as mechanical butt joints and run-through horns in the upper sash together with an external deep bar and putty line.
11. Whilst I note that there would be a small reduction in the glazed area of the windows compared with the existing, the width of glazing bars would be generally consistent. The width of the mid-rail would be slightly greater than the existing, although I observed on my visit a variance in mid-rail thickness in other existing timber windows in the terrace due to the effects of maintenance over time. In this context, I consider the proposed mid-rail width of 39mm shown on the plans to be within an acceptable range to be considered in-keeping with the originals. The potential for 'double-reflection' from the use of two parallel panes of glass would be minimised by the use of slim 18mm double glazed units. Together, I consider that these features would result in windows that would closely replicate the character and appearance of the existing windows and would be of a significantly higher design specification and finish than 'conventional' uPVC double glazed windows.
12. The Council has referred me to two separate appeal dismissals⁴ for replacement window proposals in the Brookvale West Conservation Area. I have not been able to obtain a copy of the first decision, which I understand is ten years old, but I have had regard to the second decision in making my assessment. That case appears to concern 'conventional' white uPVC windows, which by comparison with the windows proposed in this case, tend to have a shiny finish, thicker glazing bars and mid rails and deeper units leading to greater potential for double reflection. I note in that case, the Inspector found that the number and proportion of panes would depart considerably from the original design. Furthermore, it appears that there was an absence of evidence to demonstrate that the proportions of the surrounds and glazing bars would be consistent with

³ Appeal refs: APP/M2325/A/14/2218727 (2015) and APP/M2325/A/14/2217398 (2014)

⁴ Appeal refs: APP/H1705/A/09/210544 (2006) and APP/H1705/D/11/2152086 (2011)

the appearance of timber windows. By contrast, I have been provided with detailed drawings and measurements in this regard. For these reasons I consider that the cited proposal is not directly analogous to the proposal before me and I therefore afford it only limited weight in my decision.

13. The appellant has referred me to a 2015 appeal decision⁵ relating to replacement windows in a terraced property on George Street, which runs parallel to Lower Brook Street to the south. In that case, the development appears to have comprised the same Masterframe 'Bygone Symphony' windows as those in the proposal before me. That appeal was allowed subject to a condition specifying the make and model of the windows, reflecting the distinction drawn by the Inspector between the specification of the windows proposed and 'conventional' uPVC windows. I took time on my site visit to view the installed windows at 52 George Street. Although I note that property is a flat fronted house and therefore does not include a bay window, I found that the replacement sash windows provide a high standard of design and finish which is sympathetic to the originals. Given the clear parallels in context and proposals, I attach significant weight to this decision in my assessment of the appeal development.
14. Taking all of the above considerations into account, I am satisfied that the proposal would not noticeably alter the established character or appearance of the host property. This leads me to a finding that the proposed windows would have a neutral effect on this notable building and on the Conservation Area as a whole. I therefore find that the proposed development would preserve the character and appearance of the Brookvale West Conservation Area. Consequently, I find no conflict with Policies EM10 (which requires high quality design) and EM11 of the Basingstoke and Deane Borough Local Plan 2011-2029, or with the Framework insofar as it seeks to conserve and enhance the historic environment.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. These plans give the dimensions and design of the proposed frames but do not specify the 'white (semi-matt) wood grain effect foil wrap' finish that is stated on the application form. In light of the specific details of the proposal, which are determinant in this case, it is reasonable to impose a condition that specifies the make and model of the proposed windows. This is necessary to protect the character and appearance of the area. As any future replacement windows would require further planning permission it is not necessary for the condition to control the retention of the windows hereby permitted.

Conclusions

16. For the reasons given above I conclude that the appeal should be allowed.

J F Powis

INSPECTOR

⁵ Appeal ref: APP/H1705/D/14/2228325