

Appeal Decision

Site visit made on 4 October 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/P1235/W/16/3153673

Wren Court, 118A Fortuneswell, Portland, Dorset DT5 1LR

- 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 Magna Housing Association against the decision of Weymouth and Portland Borough Council.
 - The application, Ref. WP/16/00081/FUL, dated 8 January 2016, was refused by notice dated 4 April 2016.
 - The development proposed is window alterations – the replacement of the existing timber windows for powder coated aluminium double glazed windows of identical fenestration. Also the replacement of an existing timber door for a powder coated aluminium door of identical fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed replacement windows and door would preserve or enhance the character or appearance of the Fortuneswell (Underhill) Conservation Area.

Reasons

3. The Council's objection to the replacement windows and door is that the use of aluminium would neither preserve nor enhance the character and appearance of the conservation area. This would be in conflict with the West Dorset, Weymouth & Portland Local Plan 2015 ('the Local Plan'); the Council's Supplementary Planning Guidance 2: Listed Buildings and Conservation Areas ('the SPG') and Government policy in the National Planning Policy Framework 2012 ('the Framework').
 4. In response the appellants have referred to the considerable number of buildings in the vicinity and also within the conservation area that have plastic or aluminium in their windows and doors; that powder coated aluminium would substantially reduce maintenance costs compared to timber, and the use of this material is strongly supported by residents of Wren Court; the use of aluminium would reduce maintenance costs, and that as the building was constructed in 2000 or thereabouts the use of modern materials would be in keeping with it.
 5. I have some sympathy with these points, and given the similarity of the existing and proposed window designs and that the buildings opposite and on each side
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of Wren Court also use non- traditional materials, it is unlikely that the appeal scheme would stand out as different or in itself be perceived as harmful by either local residents or passers by.

6. However, the SPG says that when considering applications in conservation areas the use of aluminium or UPVC windows on principal elevations would constitute 'inappropriate design'. This would be contrary to the Framework, which in Section 7 requires development to be of 'good design'. Furthermore, Section 12 of the Framework 'Conserving and Enhancing the Historic Environment' explains in paragraph 132 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.
7. When this combination of local and national policy is taken together with the legal requirement for the decision on a proposal to have regard to the effect on the conservation area as a whole, rather than on just its immediate context, I consider that the use of aluminium on a large and prominent building would, as the Council argues, represent a 'further dilution' of its character and appearance. It also follows that the conservation area would neither be preserved nor enhanced. This would be in conflict with Local Plan Policies ENV4, ENV10 and ENV12; the Council's SPG, and national planning policy in the Framework.
8. With regard to paragraphs 133 and 134 of the Framework, I consider that in this case the proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, albeit for the reasons explained this does not make it acceptable. I have therefore weighed the harm against the public benefits of the proposal, including securing the building's optimum viable use.
9. However, whilst lower maintenance costs for a building used for social housing, and also its potentially increased thermal efficiency, are undoubtedly public benefits of the proposal, I do not consider that they outweigh the harm caused to the significance of the heritage asset through the proposed alterations, these representing a further departure from the architectural merit and historic interest of the conservation area as a whole.
10. I have had regard to all other matters raised by the appellants, but whilst as explained I have some sympathy with the thrust of the case made, they do not lead me to alter my conclusion on the main issue.
11. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR