
Appeal Decision

Site visit made on 24 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 9th November 2016

Appeal Ref: APP/M1005/D/16/3155526

3 Albert Street, Belper, Derbyshire, DE56 1DA

- 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 John Wilkins against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2016/0377, dated 5 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is new windows and door (retrospective).
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Decision

1. The appeal is dismissed insofar as it relates to the new windows.
2. The appeal is allowed insofar as it relates to the new front door at 3 Albert Street, Belper, Derbyshire DE56 1DA in accordance with the terms of the application Ref AVA/2016/0377 dated 5 April 2016, insofar as it is relevant to that part of the development hereby permitted.

Procedural Matters

3. I have used the more succinct version of the description of the development set out in the Council's Decision Notice in the interests of clarity.
4. The Council have indicated that they have no objection to the replacement door. I have no reason to take a different view and so do not need to give this element of the proposal further consideration.

Main Issue

5. The main issue in this case is the effect of the new windows on the character and appearance of the Conservation Area and World Heritage Site.

Reasons

6. The appeal site lies within both the Belper and Milford Conservation Area and Derwent Valley Mills World Heritage Site. The area comprises predominantly 19th Century buildings associated with the rapid evolution of large scale industrial production at this time and the need to provide housing and other facilities. Albert Street is residential in character with modest two storey red brick terraced, semi-detached and detached dwellings. The detailed design of these buildings varies, but there is evidence of some consistent original features, including the treatment of windows. The windows consist primarily of timber vertical sliding sashes finished with paint. The meeting rails and glazing
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bars are typically slender with the box set into the wall so that from the street the glazing bars appear held by an elegant narrow frame.

7. I saw on my site visit that UPVC windows have been installed. These have been designed to include a central glazing bar which reflects that present in the previous windows. However, unlike the traditional timber sash windows that have been replaced, and that are evident in the neighbouring properties at No 1 and No 5 Albert Street, the visible parts of the frame are wide and appear uncharacteristically heavy and prominent. Whilst I note that the windows which have been replaced had lost the central vertical glazing bar present in the neighbouring properties, nonetheless they retained the form and appearance of sash windows. Overall, the loss of these windows detracts from the appearance of the property and the heritage significance of both the wider Conservation Area and World Heritage Site.
8. I observed on my site visit that unsympathetic replacement windows have been used elsewhere in the street, noting that some of these may have been in place prior to the introduction of the detailed level of control over such matters.¹ I also accept that the Council has accepted some UPVC windows designed to replicate the appearance of traditional sash windows elsewhere in the street. I also have some sympathy with the fact that the appellant has sought to renovate this property, that the windows were in a poor condition, and that the UPVC windows offer the appellant improved thermal efficiency and security. However, there are other strategies to achieve such improvements without harming the character of the area. Whilst overall the harm caused to the significance of the Conservation Area and World Heritage Site is less than substantial, the benefits identified are not sufficient to outweigh that harm.
9. I conclude that the windows have a detrimental effect on the character and appearance of the building and wider Conservation Area and World Heritage Site. In this respect there is conflict with the Amber Valley Borough Local Plan 2006 which at saved Policies EN27 and EN29 seeks to preserve and enhance the Conservation Area and World Heritage Site by requiring development to preserve or enhance their character and appearance.

Conclusion

10. For these reasons, I conclude that the appeal should fail insofar as it relates to the replacement windows and succeed insofar as it relates to the replacement front door.

AJ Mageean

INSPECTOR

¹ The Article 4(2) Direction for Belper and Milford Conservation Area was introduced in 1998.