
Appeal Decision

Site visit made on 27 September 2016

by Janine Townsley LLB (Hons) Solicitor (Non practising)

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

Decision date: 1 December 2016

Appeal Ref: APP/D4635/C/16/3152138

73 Albert Road, Wolverhampton, WV6 0AG.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr James Dhillon-man against an enforcement notice issued by Wolverhampton City Council.
 - The Council's reference is 15/001186/ENCOMP.
 - The notice was issued on 5 May 2016.
 - The breach of planning control as alleged in the notice is without planning permission the alteration and replacement of windows, doorway and architectural features which materially alter the appearance of 73 Albert Road to the detriment of the Park Conservation Area.
 - The requirements of the notice are to restore the front of the property to the condition and appearance which existed before the development commenced by:- reinstalling a single opening timber front doorway with top and side glazed panels, with leaded features to match in design, size and form that which has been removed; reinstalling the box bay feature at front elevation first floor level including the panelled box bay, and original sized window openings (front and side) along with leaded top lights and timber frames to match in design, size and form that which has been removed; install timber windows with leaded top lights in all other front elevation window openings to match in design, size and form that which have been removed. .
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

Main Issue

2. This is whether the proposed windows would preserve or enhance the character or appearance of the Park Conservation Area (PCA).

Reasons

3. The appeal relates to replacement windows and door which have been installed to the front elevation of 73 Albert Road which falls within the PCA. The PCA is subject to an Article 4 Direction controlling permitted development.

4. The appeal property is a large, detached dwelling located on the north side of Albert Road, within a predominantly residential area. Within the Council's evidence is a photograph of the front elevation of the appeal property which shows the windows and front door prior to the works now subject to enforcement action.
5. The PCA was designated in 1975. Albert Road falls within Area 4 as identified in the Park Conservation Area Appraisal and Management Proposals June 2008 (PCAAMP) as an "unusually wide tree-lined carriageway". The general character is described as including some good examples of late 19th and early 20th century dwellings; however some negative features noted include the loss of architectural detail and insensitive alterations to historic buildings.¹ The PCAAMP confirms that an Article 4 Direction is in place which removes permitted development rights for, inter alia, the replacement of windows and exterior doors, with the appeal property cited as being subject to the Direction. The Park Conservation Area Article 4(2) Direction document outlines that the properties subject to the Direction have been so selected as buildings of "townscape merit". Guidelines are provided in relation to replacement windows and doors and advise that original doors and windows should be repaired and retained wherever possible and replacements should replicate the original.
6. In this case, the choice of UPVC as a material, the introduction of small pane "Georgian" style glazing bars, and the introduction of a fully glazed bay window at first floor level means that the guidance as set out within the Direction document has not been adhered to. From the photograph provided I note the original windows featured traditional detailing with top openings with rectangular leaded detailing, plain glazing to the remainder and uniform and symmetrical glazing bars. The introduction of a bay window to the first floor as a replacement of a box bay, with UPVC cladding, marks a stark contrast with the original and alters the character of the front elevation of this building. I note the appellant's assertions that the panels surrounding the box bay were added in the 1930s although I have no evidence of this. The replacement door also departs from the original by the introduction of "Georgian" style detailing.
7. I acknowledge the appellant states that the original windows and door were in a poor state of repair, however, notwithstanding this, they would have made a significant and positive contribution to the character and appearance of the PCA.
8. A number of properties on Albert Road and the surrounding streets have replacement windows and doors. I observed examples of UPVC casement windows and replacement timber casement windows. However, I have no information relating to particular circumstances and planning history of these examples. Nevertheless, it is my view that past unsympathetic replacement windows and door elsewhere in Albert Road has diluted the overall quality of the character and appearance of the CA, and this matter reinforces my concern regarding the appeal proposal and its impact on the special interest that remains.
9. For these reasons, I conclude that both the form and design of the replacement windows and door are significantly different to the original windows and door. The replacement UPVC windows and door have a materially different and less authentic appearance, and neither preserve nor enhance the character or

¹ Pages 33 & 34 Park Conservation Area Appraisal and Management Proposals July 2008

appearance of the PCA, contrary to the intent of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, the proposal would conflict with Policies D9 and HE1 of the Wolverhampton Unitary Development Plan 2001-2011 which requires that the buildings should make a positive contribution to the locality through good quality detailing and materials and should take account of the special contribution of conservation areas. Furthermore, policy HE5 requires that proposals for alterations to buildings within the conservation area should preserve or enhance all features which contribute positively to the areas character and appearance.

Conclusion

10. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Janine Townsley

INSPECTOR