

Appeal Decision

Site visit made on 5 December 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/R3325/D/16/3160968
73 High Street, Wincanton BA9 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Taylor against the decision of South Somerset District Council.
 - The application Ref 16/02268/FUL, dated 21 May 2016, was refused by notice dated 23 September 2016.
 - The development proposed is described on the application form as 'to replace existing timber sash windows with new upvc white woodgrain finish slim section double glazed sash windows of very similar type, appearance and style'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Wincanton Conservation Area.

Reasons

3. No 73 is a classical formally proportioned property set hard-up against the pavement running alongside the High Street. The Council identify, and the appellant appears not to dispute, that the property including its three gabled dormers, likely dates from the late nineteenth century.
 4. The principal elevation of No 73 is rubble stone at a low level, ashlar above, and features accentuated keystones above traditional timber-framed windows. The overall form, materials and detailing of the property mean that it has a strong historic integrity.
 5. The windows of the property have fine jambs, narrow meeting rails and stiles, and ornate horns consistent with their classical design. The glazing similarly has imperfections commensurate with its age. The historic appearance of the property is consequently maintained, in part, by the materials and design of the ten ostensible original windows which are proposed for replacement.
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6. At an easterly reach of the High Street where commercial frontages peter out and residential properties become increasingly commonplace, No 73 is nevertheless squarely within the Wincanton Conservation Area and clearly visible from various public vantage points nearby. Whilst there are some modern additions and alterations to properties within the Conservation Area, in this location the surroundings of the appeal property strongly reflect the historic origins of Wincanton.
7. Many nearby buildings retain a clear historic character despite the design of individual properties being pleasantly varied as a result of the piecemeal evolution of the area. As with No 73 in part this character results from the traditional timber framed windows of dwellings and indeed of commercial frontages (such as at nearby Nos 71, 69, 67 and facing Nos 56, 58 and 60).
8. There are some uPVC windows nearby, including at nearby Nos 61, 64 and 75, and indeed within modern properties No 66 and 'Balsam Green' opposite. Nevertheless modern properties are atypical, and certain uPVC windows installed elsewhere clearly detract from the character of the area not only by their incongruous materials but also simplistic design which is inconsistent with finer historic features.
9. I understand that the presence of modern alterations to windows of properties played a role in motivating the Council to withdraw permitted development rights relating to certain window alterations in the Conservation Area.¹ I would further note that the presence of modern windows elsewhere does not justify development that would be detrimental in the present, but rather accords some importance to preserving that historic integrity which remains.
10. Policy EQ2 'General Development' of the South Somerset Local Plan (2006-2028) (the 'Local Plan') sets out that development must respect the local context in which it is proposed and promote local distinctiveness. Similarly, Local Plan policy EQ3 'Historic Environment' requires that development at least safeguards the historic environment. Likewise Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
11. The proposal is to replace the 10 existing windows within the principal elevation of No 73 with uPVC double-glazed units. The site plan supporting the application, which includes an annotated photograph of the property, contains no more detailed information as to the design of the proposed units than the description of development given within the banner heading above.
12. There is an untitled document quoting for the development proposed before me (the quote).² I would note that the quote also contains reference to the

¹ By direction made via article 4 of The Town and Country Planning (General Permitted Development) Order 1995, which has since been superseded by subsequently legislation, though this has not affected the currency of the direction.

² Prepared by Valecraft, Ref JN/9186/SW, dated 26 April 2016.

installation of a new external door, however this does not apparently form part of the proposal before me. The quote contains several diagrams related to the replacement units proposed. However these are insufficiently detailed to demonstrate that the fine features currently present would be replicated, particularly the narrow meeting rails and ornate horns, or that the wood grain effect would be consistent with the texture of window frames currently present.

13. There is also an untitled photograph before me of a window which the appellant has submitted as an example of the design of the units proposed. Whilst I appreciate that this window has clearly been sensitively designed, it does not appear to me to be consistent with the proportions of some of the windows currently present at No 73.
14. I appreciate that this photograph has been offered by way of illustration. However it also appears to show that the example window is installed closer to the plane of the elevation of the property in which it is set than is the case of the windows currently present at ground and first floor level of No 73. There is, moreover, no detailed comparison before me between the proposed units and existing windows or of how the proposed units would be installed and appear as part of the principal elevation of the property.
15. The introduction of uPVC and double glazing would introduce modern and relatively incongruous materials in what is presently a largely historically intact property and area. I accept that the effect of such may be reduced by the use of sensitive design. However on the basis of the limited information before me, I am not satisfied that the design of the proposed units would be acceptable in respect of proportions, detailing, or installation.
16. The design of the replacement units proposed is fundamental to the appropriateness of the development proposed rather than a secondary issue. As such I cannot reasonably grant permission subject to the condition that the proposed windows are of a design agreed with the Council.³
17. For the above reasons the proposal would be detrimental to the historic integrity of the host property and by extension harmful to the character and appearance of the Conservation Area. However the proposal would leave the majority of the traditional fabric of No 73 unaffected and represent a modest change to the Conservation Area as a whole. Consequently the harm arising is likely to be less than substantial.
18. The National Planning Policy Framework (the 'Framework') sets out that great weight should be given to the conservation of designated heritage assets, including Conservation Areas, and that any harm that would result from proposed development should be balanced against the public benefits that would arise. I turn to these benefits now.
19. I appreciate that the installation of uPVC units may have some benefits to the occupants of No 73, including in respect of thermal efficiency and in reducing

³ Having taken account of the approach in paragraph 206 of the Framework and Planning Practice Guidance Ref ID: 21a-004-20140306.

on-going upkeep. However there is no evidence before me quantifying these benefits or indicating that the development proposed is the only means of achieving them. Given that many properties in the area do not incorporate uPVC double-glazed windows there is furthermore nothing before me to suggest that the continued domestic use of the property would inherently be compromised by the absence of such development. As such, and as the benefits of the proposal are chiefly private to the occupants of the property rather public, they cannot carry significant weight in favour of the proposal.

20. Although the proposal would likely result in less than substantial harm to the Conservation Area, this harm is not outweighed by the benefits of the proposal which cannot be accorded significant weight for the reasons given above. Accordingly I conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and that it would thereby conflict with the relevant provisions of policies EQ2 and EQ3 of the Local Plan and with relevant elements of the Framework.

Other Matters

21. I have taken account of the points made by the appellant in respect of pre-application discussions with the Council regarding the appropriateness of the proposal, and the associated correspondence which has been put before me. However the Planning Practice Guidance (the 'Guidance') sets out that pre-application advice is not binding,⁴ and the appellant has explained that the Council's advice prior to their decision was given without prejudice to the outcome of a planning application. Therefore whilst I note this background it relates essentially to procedural matters rather than to the planning merits of the proposal which are the substantive matters relevant in this appeal.
22. In reaching a decision I have considered what could be achieved via permitted development rights.⁵ However there is no explicit reference in relevant legislation or definitive position set in associated guidance to indicate that uPVC units are appropriate replacements for existing windows.⁶ In any event permitted development rights relating to the alteration of windows which front a highway are withdrawn within the Conservation Area as set out above.
23. There are a number of Listed Buildings nearby, notably No 71. However in the light of my finding above it is unnecessary to consider whether the proposal would also preserve the setting of such properties in line with relevant statutory requirements; if the proposal were neutral in this respect, and no argument has been made that the proposal would actively enhance the setting of these buildings, it would not outweigh the harm that would result. Consequently neither this, nor any other matter, is sufficient to outweigh my findings in respect of the main issue in this case.

⁴ Reference ID: 20-011-20140306.

⁵ With reference to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the '2015 GPDO').

⁶ Page 31 of the Government's Permitted development rights for householders, Technical Guidance, dated April 2016 states that 'it may be appropriate to replace existing windows with new uPVC double-glazed windows', rather than that it is appropriate, given that this is essentially a matter of judgement based on the nature of the development proposed and its particular context.

Conclusion

24. For the above reasons, and taking all other matters raised into account, I therefore conclude that the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. Accordingly I dismiss the appeal.

Thomas Bristow

INSPECTOR