
Appeal Decision

Site visit made on 20 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 16th January 2017

Appeal Ref: APP/A2470/W/16/3158759

38A High Street East, Uppingham, Rutland LE15 9PZ

- 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 M Culpin against the decision of Rutland County Council.
 - The application Ref 2016/0412/FUL, dated 20 April 2016, was refused by notice dated 12 July 2016.
 - The development proposed is the replacement of six windows with new upvc double glazed safety units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Uppingham Conservation Area and the setting of nearby listed buildings.

Reasons

3. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area and listed buildings, great weight should be given to the conservation of the assets.
 4. The appeal site is located within the Uppingham Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It also lies within the setting of listed buildings on High Street. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Policies CS19 and CS22 of the adopted Core Strategy, policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (SAPDPD), and policy 1 of the Uppingham Neighbourhood Plan require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
 5. The Conservation Area covers the town centre and its environs that contain well designed older and historic buildings. The significance of the Conservation
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Area and its listed buildings, which date from the 17th to 19th centuries, is architectural and historical.

6. Along High Street the Conservation Area is characterised by two to three storey brick or stone built period buildings set on the back edge of the pavement with retail units on the ground floor. The painted wooden sash windows to the upper floors, with their fine detailing, together with the traditional shop fronts, form part of the distinctive character of the Conservation Area. They are also a feature of the appeal property and the listed buildings nearby on either side of No 38 (Nos 32,34, 42 and 44) and on the opposite side of the road. Reference has been made to the use of UPVC windows. However, the examples on High Street are few and far between and are insufficient to alter the character and appearance of the street from one where traditional windows and materials predominate to one where they do not.
7. The simple elegance of the wooden sash windows to the front and side elevation of the appeal property therefore make a positive contribution to the character and appearance of the building, Conservation Area and setting of the nearby listed buildings.
8. It is proposed to replace the windows with white UPVC sash windows. However, no plans or drawings showing details, such as the number of panes and the dimensions of the components of the frames, have been supplied. In such circumstances, and given that upvc windows frames are typically far more bulky in appearance, I agree with the Council that it must be concluded that the replacement windows would not preserve or enhance the character or appearance of the Conservation Area as a whole and would adversely affect the setting of the nearby listed buildings. Consequently, their significance would be harmed.
9. The harm caused by the replacement windows to the significance of the Conservation Area as a whole and setting of nearby listed buildings would be less than substantial. In such circumstances paragraph 134 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
10. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the Conservation Area and setting of nearby listed buildings. On the other side of the balance, the upvc windows, if kept closed, would improve the thermal and noise insulation of the flat they serve and hence the local housing stock. However, the weight I attach to this consideration is limited as this is a benefit that could be achieved with the existing windows by the use of secondary glazing. In terms of safety, upvc windows meet modern safety standards that unimproved traditional sash windows do not. Improving the flat in this regard is a public benefit to which I attach some weight.
11. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal fall a long way short of outweighing the harm that would be caused to the Uppingham Conservation Area and the setting of the nearby listed buildings. The proposal would therefore be contrary to the Framework as well as failing the statutory tests. As such it would be contrary to section 12 of the Framework, in addition to being contrary to policies CS19 and CS22 of the Core Strategy, policies SP15 and SP20 of the SAPDPD and policy 1 of the Uppingham Neighbourhood Plan.

Other matters

12. Uppingham Town Council recommended that the application was approved. However, such support is insufficient to overcome the demonstrable harm that the proposal would cause.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector