
Appeal Decision

Site visit made on 6 February 2017

by A Jordan BA Hons MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/Q9495/W/16/3161190

Bryan Redhead & Co, Market Street, Broughton in Furness, Cumbria, LA20 6HP

- 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 Mrs Candy Henderson of Bryan Redhead & Co Ltd, against the decision of the Lake District National Park Authority.
 - The application Ref 7/2016/5200, dated 23 March 2016, was refused by notice dated 5 July 2016.
 - The development proposed is replacement windows.
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Decision

1. The appeal is dismissed insofar as it relates to the windows and door on the front elevation of the property.
2. The appeal is allowed and planning permission is granted insofar as it relates to the windows and door on the rear elevation of the property at Bryan Redhead & Co, Market Street, Broughton in Furness, Cumbria, LA20 6HP, in accordance with application Ref 7/2016/5200, dated 23 March 2016 and the plans submitted with it, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: submission labelled "Estimate" dated 21st April 2016.

Procedural Matters

3. The description of development used by both the Authority and the appellant refers only to replacement windows. The submitted plans also include details of replacement doors to the front and rear of the property. The parties are not in dispute over whether permission is needed for the replacement of doors. I also note that this element of the proposal is referred to in the Council's delegated report, and in the Decision Notice. Therefore notwithstanding the description of development used by both parties, I have also considered the replacement doors to form part of the proposal.
4. The site lies within the Broughton Conservation Area.

Main Issue

5. According the main issue for the appeal is the impact of the proposal on the character and appearance of the Broughton Conservation Area.
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Reasons

6. S72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policies CS11 and CS27 of the *Lake District National Park Core Strategy* (Core Strategy) together seek to conserve and enhance the quality of the built environment and the historic character of settlements. Policy CS10 seeks to support design that reinforces local character and distinctiveness. Saved Policy BE11 of the *Lake District National Park Local Plan 1998* (Local Plan) seeks to ensure that development in the Conservation Area preserves and enhances the character of that area by ensuring that new development utilises materials which are appropriate to the locality and avoids the use of non-traditional materials unless they would not detract from the overall appearance of the locality.
7. These policies are consistent with guidance within the *National Planning Policy Framework* (the Framework) which advises 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.
8. The appeal property is a substantial 3 storey Victorian building which sits alongside similar properties on Market Street. The buildings are constructed in stone with smooth sandstone quoins and headers to the deep window and door recesses. The windows have six lights in the upper sash and 2 larger lights in the lower and their fine detail and profile are eye-catching features, which along with the timber boarding to the eaves and the decorative panelled door contribute to the attractiveness of the building in views along Market Street.
9. The Broughton in Furness Conservation Area Appraisal and Management Plan, identifies the loss of original windows within the Conservation Area as a risk to the area's special character. I noted during the site visit that a number of nearby buildings has been subject to alterations, including the replacement of original timber windows with UPVC windows, or timber casements. The erosive effect of these alterations is evident in the appearance of those nearby buildings where original windows have been lost. In these instances the more bulky profile of the UPVC and the clumsy proportions of the timber casements appear awkward alongside the finer detailing of the original timber sashes. In this regard they fail to reflect the ornamental appearance of the original fenestration which forms an important part of the building's Victorian character and which contributes to the wider historic streetscene.
10. The submitted plans show that the proposed windows seek to replicate some of the features of the original windows. Although the Council refer to the windows as casements, the plans refer to vertical sash windows with internally glazed feature beads in the upper section. However, the details before me are not to scale and provide no details of the window's profile. As the very fine detailing of the existing windows is one of the features that provide the building with its elegant appearance, it is not clear that the proposed replacement would adequately replicate this. Likewise, based on the details before me I cannot be assured that the proposed door would replicate the profile of the existing traditional painted timber door, which makes a positive contribution to the historic character of the front façade.
11. I take into account that the effect of the rear windows would be less notable. The rear elevation of the building is visible in views from the rear entry which

runs alongside the adjoining property. In these views it is evident that almost all of the adjoining properties have had their windows replaced in both plastic and timber casements, and in a range of finishes. This, along with the variety of window sizes on different properties provides a less formal composition with a mixed palette of fenestration, within which the replacement of the existing timber sashes would not have an obvious detrimental effect. Given the negligible harm that would occur in the context of the rear elevation, I accept that this element of the proposal would not be contrary to the Framework, which seeks to conserve heritage assets in a manner appropriate to their significance.

12. I also take into account the appellant's comments regarding the extent to which original windows have been replaced in the Conservation Area, and that the replacement of windows on residential dwellings currently falls outside the scope of planning control. Nevertheless, given the greater prominence of the front elevation, and the erosive visual effect the replacement of windows and the door would have on the historic character of the building, I conclude that based on the information before me, these elements of the proposal fail to preserve the character of this part of the Conservation Area. The harm identified affects only part of Conservation Area, and thus the harm caused to the heritage asset would be less than substantial. The Framework directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
13. The appellant has identified that the existing windows need replacing, and that the proposed windows would bring security benefits, would be more thermally efficient, and would require less maintenance. I haven't been provided with any convincing evidence that these benefits could not also be provided by replacement timber windows of appropriate design. This limits the weight I can attribute to these matters as public benefits.

Conclusion

14. I therefore conclude that the windows and door on the front elevation would fail to comply with national policy outlined in the Framework. It would also conflict with Policies CS10, CS11 and CS27 of the Core Strategy and Saved Policy BE11 of the Local Plan, which together seek development which reflects the historic character of the area. For the reasons outlined above, and having regard to all other matter raised, I conclude that as the replacement windows and door on the front elevation would fail to preserve the appearance of that part of the Conservation Area and this element of the appeal is dismissed.
15. The windows and door to the rear would have only a negligible effect on the character of the wider Conservation Area, I conclude that this element of the appeal be allowed, subject to a condition relating to time for implementation and in accordance with the approved plans.

A Jordan

INSPECTOR