

Appeal Decision

Site visit made on 28 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/X1355/D/16/3165030

16 Meadhope Street, Wolsingham, Bishop Auckland, Durham DL13 3EL

- 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 G Freak against the decision of Durham County Council.
 - The application Ref DM/16/01931/FPA, dated 15 June 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the retention of existing UPVC windows and doors.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is clear that the application for the retention of the existing UPVC window and doors was submitted retrospectively by the appellant, and was duly considered by the Council on that basis. I have also considered the appeal on that basis.

Main Issue

3. The main issue is whether the retention of the existing UPVC windows and doors would preserve or enhance the character or appearance of the Wolsingham Conservation Area.

Reasons

4. The appeal property is a two storey, stone-built semi-detached dwelling fronting directly on to the east side of Meadhope Street. It is an unlisted property located within the Wolsingham Conservation Area (the Conservation Area).
 5. The appeal property and the adjoining half of the semi-detached property at No 16A, together with their respective rear yards, stand alone as an isolated pair of dwellings surrounded on all sides by road. Meadhope Street itself is comprised of a continuous terrace of properties along its western side, with shorter terraces to the north and southwest of the appeal site. By virtue of their location and position relative to the alignment and built form of Meadhope Street, Nos 16 and 16A are a significant and prominent feature in the street scene that contribute positively to the overall character and appearance of this part of the Conservation Area.
 6. The proposal seeks the retention of the existing UPVC framed windows at ground and first floor, at the front, rear and side of No 16. Although timber framed, sliding sash windows are predominant along Meadhope Street, that is
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not to say that there are not alternative styles also present. There are a small number of timber-framed top-opening style windows and UPVC framed windows, the latter of which can be seen at the adjoining property (No 16A), but these are limited in number and do not erode or dilute the prevailing character or appearance of properties along Meadhope Street.

7. At the front of the appeal property, the thickness of the ground floor window frames means that they lack the light touch and subtlety traditionally associated with timber sliding sash frames. The lack of depth between upper and lower panes is also noticeable and, together, these set the windows at odds with the prevailing style of windows elsewhere along Meadhope Street.
8. Those at first floor differ from the ground floor windows, but still fail to respect the proportions and character of traditional windows in the surrounding area. Here, there is no differentiation between the upper and lower elements of the window, leading me to conclude that these are single panel units, rather than the top opening units found at ground floor, giving them a flat and rather one-dimensional appearance. This is particularly significant on the building's prominent and sensitive front elevation, but no less obvious from when viewed from the rear. As a consequence, their general form and appearance appears incongruously at odds with the prevailing character and appearance of window openings along Meadhope Street.
9. Thus, for the reasons set out I conclude that the replacement windows fail to reflect the proportions and appearance of traditional forms of windows, and window frame materials that prevail within Meadhope Street. The scheme therefore fails to preserve or enhance the character or appearance of the Wolsingham Conservation Area, as required by policies GD1 (i), BE1, BE5 and BE6 of the Wear Valley District Local Plan. Together, these policies seek to ensure that proposals protect, preserve and enhance the character of each Conservation Area and the historic heritage of the former Wear Valley District.
10. I am also statutorily required¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have concluded that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, and thereby causing harm thereto. However, in the parlance of the National Planning Policy Framework (the Framework), this harm would be less than substantial. The Framework goes on to state that any harm to a heritage asset should require clear and convincing justification² and where less than substantial harm is identified this should be weighed against the public benefits of the proposal.
11. The parties do not dispute that the windows are tidy and neat in their overall appearance. The appellant goes on to state that the replacement windows were part of a substantial programme of refurbishment and investment in the appeal property that sought to improve its appearance within the Conservation Area and which also sought to remove unsympathetic features felt to be lacking in traditional detail. In that context, the re-introduction of two-over-two window panes represents a case of betterment when compared with the original timber-framed, top-opening mock-sash windows.

¹ Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990

² Paragraph 132

12. It is stated that the current windows were installed in preference to those for which planning permission had been granted, following advice received in respect of the current Building Regulations regarding means of escape. However, I have not been presented with any substantive evidence to support this claim, or that alternatives had been considered. In any event, these factors are private, not public benefits, whilst the public benefits set out above are not sufficient to outweigh the harm that I have identified.
13. In reaching this conclusion I am mindful that the Council have previously approved the installation of UPVC framed windows at the appeal property. However, I am advised that these were of a different, sliding sash design rather than the top-opening windows proposed in this instance. I have not been provided with the full details of the approved scheme, but I have determined the current appeal on the basis of the evidence submitted.

Conclusion

14. For the reasons set out, and having considered all other matters, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR