
Appeal Decision

Site visit made on 21 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 20 March 2017

Appeal Ref: APP/N2345/W/16/3164274
114 Watling Street Road, Preston PR2 8AH

- 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 Ashok Simha against the decision of Preston City Council.
 - The application Ref 06/2016/0622, dated 8 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is described as 'Replacement of existing timber windows with UPVC. Provision of 1 No. additional parking space to front of building for patient off street parking'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application to the Council included alterations to the wall running along the front boundary of the appeal property. The Council's second reason for refusal focussed specifically on this element of the scheme. In response the Appellant submitted a revised plan (drawing number 1915P/04/A) at the appeal stage indicating that the wall would remain in its current form. The Council has confirmed that such a change would remove its objection to this element of the proposal.
3. Whilst the appeal process should not be used to evolve a scheme, in this case the effect of the change is simply to confirm that the alterations to the boundary wall would not proceed. I have considered drawing number 1915P/04/A in my decision as this would not prejudice the interests of any party.
4. The remainder of the development subject to appeal includes the replacement of timber framed windows and a door on the appeal building. At the time of my site visit, the relevant changes affecting ground floor windows, but not those affecting the first floor openings, had already been carried out.

Main Issue

5. The main issue is the effect of the proposals on the character or appearance of the Fulwood Conservation Area (FCA).
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Reasons

6. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the FCA. In accordance with paragraph 132 of the National Planning Policy Framework (the 'Framework') I have given great weight to this matter.
7. The FCA has the character of a substantial Victorian/early 20th century residential suburb. Watling Street Road, in which the appeal property is located, runs through its heart. The appeal property itself includes a 2 storey semi-detached building which, whilst it is not listed, is of a similar age and style to many others in the area. Although some changes (apart from those subject to appeal) have been made to the property, the Council has indicated that a prominent fascia sign on its frontage is unauthorised. The building as a whole contributes positively to the character of the FCA.
8. Whilst modern uPVC window and door frames have been installed in many properties in the locality, they do not form a defining feature of its underlying character. Some properties retain what appear to be original or longstanding fenestration details. Many changes to window detailing in the area are likely to have been carried out before the FCA Article 4 Direction was made in 2011, which brings unsympathetic minor alterations under planning control.
9. The new ground floor windows subject to appeal would not look out of place in a modern housing estate. However, their frames have a heavy, bulky profile which contrasts markedly with the delicate design of older window frames in nearby properties, those which remain in the first floor of the property and those which, according to the submitted evidence, previously existed in its ground floor.
10. The new frames appear incongruous and out of character in this context, particularly given the high level of visibility of most of them from the front of the property. The fact that some neighbouring properties have been inappropriately altered in a similar way does not justify allowing further such alterations. Although the submitted evidence indicates that the ground floor windows which have been replaced were not sash windows it also shows that they were of a much more delicate design than the new windows.
11. Whilst the Council accepts that it approved uPVC windows at 154 Watling Street Road, it has indicated that this was to match existing windows in that property. It is not clear that these circumstances are replicated at the appeal property and in any event I have considered the appeal on its own merits having regard to the relevant statutory duties.
12. I conclude that the windows subject to appeal would cause harm, albeit of a less than substantial nature to the character and appearance of the FCA. Under paragraph 134 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The Appellant has indicated that the ground floor windows were replaced to improve health and safety, security and to enable acceptable hygiene standards to be achieved in the ground floor orthodontic surgery rooms. I have also noted the support that the Care Quality Commission has given to the

replacement of the previous ground floor windows. I have no reason to doubt that the previous windows in these rooms required replacement for these reasons. However, the submitted evidence does not demonstrate what efforts if any were made to source new windows which met these requirements whilst avoiding harm to the character or appearance of the FCA. In these circumstances it is not clear that the public benefits of the window replacement outweigh the harm that has been caused.

14. I conclude that allowing the appeal would cause harm to the character and appearance of the FCA which is not justified by any public benefits. This approach would also conflict with the relevant provisions of Policy 16 of the Central Lancashire Core Strategy 2012, Policies EN8 and EN9 of the Preston Local Plan: Site Allocations and Development Management Policies 2015 and the Framework related to this matter.
15. I have noted the Appellant's willingness to retain the frames of those openings which have yet to be altered. However, this would not address the harm that has been caused by changing the ground floor windows.
16. I acknowledge that the Council has raised no objection to the proposed extension to the parking area at the front of the property and that the proposals would not have an adverse effect on highway safety or the living conditions of occupiers of neighbouring dwellings. However, these points do not outweigh my earlier findings.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR