

Appeal Decision

Site visit made on 28 March 2017

by Mr K L Williams BA, MA, MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/V2635/C/16/3156292

Land at 15 North Everard Street, Kings Lynn, Norfolk, PE30 5HQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr N Sims against an enforcement notice issued by the Borough Council of Kings Lynn and West Norfolk.
 - The enforcement notice, ref:16/00234/UWCA, was issued on 30 June 2016.
 - The breach of planning control as alleged in the notice is the installation of an Un-Plasticised Polyvinyl Chloride (UPVC) door and two UPVC windows on the front elevation
 - The requirements of the notice are to permanently remove both UPVC windows and door to the front elevation and restore the land to its former condition.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Decision

1. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

Main Issues

1. The appeal on ground (a) and the related deemed planning application concern the door and the UPVC windows now in place. The main issue is whether the door and the windows maintain or enhance the character or appearance of the Friars Conservation Area.

Reasons

2. The 2 UPVC windows and the UPVC door have been installed on the front elevation of no.15, a terraced property on the south side of North Everard Street. The building is in the Friars Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of any planning function. Amongst other things policy CS08 of the Council's Core Strategy (2011) requires that development protects and enhances the historic environment. The policies of the National Planning Policy Framework (the Framework) are also a material consideration. They give great weight to
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conserving a designated heritage asset when considering the impact of development on its significance. Framework policies also attach great importance to good design as a key aspect of sustainable development.

3. The Friars Conservation Area is significant for its special architectural and historic interest. As a Conservation Area it is a designated heritage asset. The Draft Character Statement explains that its character includes a succession of small roads to the west of London Road, revealing more intimate and modest buildings and terraces. North Everard Street is one such street and includes terraces of modest dwellings. The Character Statement refers to area's traditional character and materials as including locally sourced brick, solid panel doors and timber framed, sliding sash, single glazed windows with up to twelve panes. It also refers to detractors to the Conservation Area as including seemingly minor alterations such as unsuitable replacement windows and doors.
4. The front elevation of no.15 is of modest proportions. In that context the windows and door are dominant features within the elevation. They are also prominent in the street scene. The UPVC windows are not of a material sympathetic to the character of the Conservation Area. They have no glazing bars, are not recessed and do not have appropriate reveal or cill detailing. The Council refers to the windows being top and bottom opening, a design which is also inconsistent with the Conservation Area's character. The UPVC materials and the design detailing of the door are also unsympathetic to the Conservation Area's character and its appearance.
2. As the appellant observes, there are numerous examples of UPVC windows and doors on North Everard Street. I also observed examples in some nearby streets, although there are also properties with doors and windows of traditional design. There has been a degree of erosion of the Conservation Area's character and its appearance, although nothing is submitted on the planning status of these other examples. Granting of planning permission in this appeal would result in additional harm to the Conservation Area, while also making it more difficult for similar development to be resisted. I conclude that the UPVC windows and door fail to maintain the Conservation Area's character or its appearance. They conflict with policy CS08 and with the Framework's approach to heritage assets and design. Similar conclusions were reached by Inspectors in several other appeals to which the Council refers.
3. The effect of the UPVC windows and door, while considerable, is not sufficient to amount to the total loss of the Conservation Area's significance or substantial harm to it. In those circumstances Framework paragraph 134 provides that the harm should be weighed against any public benefit, including securing optimum viable use of the building. The appellant does not advance any particular public benefits in this case and I do not consider there to be any such benefits which would outweigh the effect on the Conservation Area.

Conclusion

4. Having regard to the above and to all other matters raised the appeal should not succeed and planning permission should not be granted.

K Williams

INSPECTOR