



Appeal Decision

Site visit made on 10 April 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 17th May 2017

Appeal Ref: APP/T4210/W/17/3167741

45 Church Street, Ainsworth, Radcliffe, BL2 5RA

- 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 Guohua Zhong against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60186, dated 30 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is changes to elevations inclusive of repositioning of flue pipes and signage.
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Decision

1. The appeal is dismissed in relation to the changes to elevations.

Procedural Matters

2. Whilst the description of the proposed development includes signage, I understand that this has been the subject of a separate advertisement consent application.
3. The Council issued a split decision, granting permission for the repositioning of existing flues at the rear with the addition of 1 no. flue, and refusing permission for the changes to elevations. Although under the provisions of Section 79(1)(b) of the Town and Country Planning Act 1990 the whole of the proposed development may be considered as part of the appeal, I am satisfied that the repositioning of existing flues at the rear with the addition of 1 no. flue is acceptable and see no reason to reverse or vary the planning permission granted by the Council in this regard.
4. I noted on my site visit that the proposed changes to elevations, as illustrated in plan reference 04/d, dated May 2016, have already taken place.

Main Issue

5. The main issue is whether the proposal preserves or enhances the character or appearance of the Ainsworth Village Conservation Area.

Reasons

6. Church Street runs through the centre of the Ainsworth Village Conservation Area. This eastern section of the road is lined with traditional two storey terraced properties. The appeal site is located on the corner of the final short terrace of four properties on the northern side of the Street.
 7. This terrace, along with the other properties further to the west on this side of Church Street, exhibit a variety of facing materials including brick, stone and rendered frontages. These properties are characterised by single tall narrow
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windows at ground and first floor levels which creates a reasonably consistent pattern and rhythm across the terraces. Whilst there is some variety in window configurations and materials, including the presence of ground floor shop frontages and the insertion of additional windows at first floor level, these alterations do not erode the vertical emphasis of window openings to an unreasonable degree.

8. The current appeal follows an earlier approval for alterations to the front and side elevations of the appeal building, which included the replacement of the existing separate ground floor door and shop front window with a larger combined door and shop front, and the replacement of the single window at first floor level with two smaller ones.¹ The proposed replacement first floor windows were similar in shape and design to those in the rest of the terrace.
9. Whilst the shop frontage currently in place generally reflects that approved, the two windows at first floor level are square with vertical and horizontal glazing bars and without the sill and head details included in the earlier approval. These windows do not reflect the appearance of those in the surrounding area and as a result have a jarring effect on the reasonably consistent pattern of first floor fenestration within the wider terrace. This is exacerbated by the clear visibility of the appeal property in views up and down this straight road. As a result, this aspect of the conservation area's character is diminished.
10. The need to replace the existing defective UPVC windows and the thermal efficiency of their replacements are appreciated. However the materials to be used in the approved windows were not specified and could also have been UPVC, so these facts do not provide support for the present case. The appellant also notes the variety of window and door materials used in the area, however in this case the primary concern is the discordant shape of the replacement windows.
11. I have some sympathy with the fact that the owner has made investments in this property, and that if the replacement of these windows is required there would be a financial strain on his family, including the possible closure of the business. However, such personal matters can have little bearing on my decision.
12. The Government attaches great importance to design. Furthermore, the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. In this case whilst the harm caused by the windows would be significant, it would be less than the substantial harm referred to by the National Planning Policy Framework. However, the public benefits that would accrue, including the matters referred to by the appellant, do not outweigh the harm to the significance of the designated heritage asset.
13. I conclude that the proposal does not preserve or enhance the character or appearance of the Ainsworth Village Conservation Area. In this respect it conflicts with the Ainsworth Village Conservation Area Appraisal and Management Plan 2008 which refers to the need to resist inappropriate alterations to windows and doors, and the Bury Unitary Development Plan 1997 Saved Policies EN1/1, EN2/1 and EN2/2 which seek to protect the character and appearance of conservation areas.
14. For these reasons the appeal is dismissed.

AJ Mageean INSPECTOR

¹ Application Reference 57415