
Appeal Decision

Site visit made on 4 April 2017

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Y0435/D/16/3164092

8 Wavendon House Drive, Wavendon, Milton Keynes MK17 8AJ

- 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 B Kallmann against the decision of Milton Keynes Council.
 - The application Ref 16/02120/FUL, dated 27 July 2016, was refused by notice dated 22 November 2016.
 - The development proposed is four replacement windows to the front of the property.
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Procedural matter

1. In addition to the planning application which has led to this appeal the appellant submitted an application for Listed Building consent to the Council. This was refused by the authority but no appeal has been lodged.

Decision

2. The appeal is dismissed.

Main issue

3. There is one main issue in this appeal. That is the effect of the development on the special architectural and historic interest of the listed buildings.

Reasons

4. The property is a mid-terrace dwelling, set within the grounds of the Grade II* Listed Wavendon House, which dates from the late 17th century. The nearby stables block and coach house are Grade II listed. The property is a two storey house, with first floor accommodation in the roof. Along with its neighbours it forms an attractive courtyard style setting.
 5. There appears to be a dispute between the parties as to whether the subject premises are within the curtilage of a listed building. The Council's position on the appeal is that the building is within the curtilage of the House, although it appears that this was not officers' opinion in relation to another nearby property some time ago. The appellant's position is slightly confused in that he has explained that his window supplier believed that listed building consent may have been necessary and that the property may have been included in the Wavendon House and Stables listing. However he has also stated that the property is not listed - although he voluntarily submitted an application for Listed Building consent.
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6. The subject property and the terrace of which it forms part self-evidently date from before 1948 and have clearly had a functional relationship with the remainder of the estate. The appellant has referred to the property being built in the 1980's, but this is taken to refer to the conversion to form the dwelling rather than the construction of the building itself.
7. On the basis of the evidence and what I saw on site, I am satisfied that the subject premises is a curtilage structure to the House, and the other listed buildings, and is covered by the listing. The significance of the listed buildings includes the influence of a diverse range of separate buildings and outbuildings of varying sizes, including 8 Wavendon House Drive. These demonstrate the range of services and related buildings needed during the evolution of the building over its history.
8. Given the status of the subject property, I am conscious of the duty under Section 66(1)¹ to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally the Milton Keynes Local Plan 2001-2011 (adopted 2005) includes policies to preserve the external features of listed buildings and their settings². The Council's Core Strategy (2013) adopts a similar approach in relation to heritage assets³. The National Planning Policy Framework advises that great weight should be given to the conservation of designated heritage assets.
9. This application seeks planning permission for the replacement of 4 windows at the front of the property, from changing metal windows to double glazed timber framed window.
10. The first matter which I have considered is the submitted evidence that the replacement of the existing windows is necessary. I can appreciate that the appellant would like more thermally efficient windows, but this in itself comes nowhere near meeting the statutory requirement and the policies.
11. The appellant's Design and Access Statement notes that the appellant would like to change the windows as the current windows are looking a little tired and are in need of replacement. The appellant does not wish to undertake long term repairs. However this does not justify the removal of the existing windows, and there is no suggestion that the windows have deteriorated beyond repair or are in need of replacement for any other reason.
12. Turning to the merits of the proposed windows, a previous appeal decision⁴ also dealt with proposed replacement windows at the property. In that case the proposal was for UPVC windows. This was dismissed insofar as it related to the front windows (new windows were approved in the rear elevation). In terms of the existing windows in the front elevation, the Inspector stated that "...the metal frames were well chosen at the time of the conversion works in that they strike as being suitably proportioned and style for the individual homes and the wider aspect of the terraces and help to add positively to the scene and the setting of the Listed Buildings". I agree with this statement.

¹ Of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Policy HE4 and D1

³ Policy CS19

⁴ APP/Y0435/D/12/2179753

13. Although I appreciate that efforts have been made by the appellant to replicate the appearance of the existing windows, the proposed double glazed windows would not harmonise with the existing casement windows and would detract from the architectural quality of the terrace and hence the setting of the Listed Buildings. The appellant accepts that the proposal “..should not detract too much from the originals..” and that as the new windows would be double glazed “..this may show a little from the outside..”. I do not differ significantly from that assessment but I disagree that the externally mounted cottage bars would give a satisfactory impression of the original windows.
14. Overall, I have had special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. Overall although the proposed development is relatively minor, it would nevertheless detract from the significance of the Listed Buildings and their setting and the proposal does not comply with the policies summarised above.

Other matter and conclusion

15. Reference has been made by the appellant to permission being granted to a neighbour for replacement windows. However I do not have any details of this scheme, and I have to deal with the proposal before me on the basis of the submitted evidence.
16. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector