
Appeal Decision

Site visit made on 16 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/B3030/W/16/3163833

20 Appleton Gate, Newark, Newark-on-Trent, NG24 1JY

- 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 Ms Ruellyn Reynolds (Primarysite Ltd.) against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00946/FUL, dated 8 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed was originally described as “to change the 1970’s Aluminium windows that do not lock or close properly to new UPVc windows. The UPVc windows are 70 mm internally glazed, multi locking frames with 28 mm double glazed safety glass. This will ensure the building is more thermally efficient and improve security. (No change of use)”.
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Decision

1. The appeal is dismissed.

Procedural matters

2. There was inconsistency within the documentation relating to the appeal address. Following clarification with the appellant the correct postcode has been used within the banner heading.
3. The development has already taken place. Following the refusal of planning permission a further planning application has been approved to retain the windows on the rear elevation. Therefore, I have determined the appeal in relation to the windows fronting Appleton Gate only.

Main Issue

4. The main issue is whether the UPVc windows preserve or enhance the character or appearance of the Newark Conservation Area.

Reasons

5. The Council has not produced a Conservation Area Appraisal for the Conservation Area. However, as it is identified as a heritage asset, S72 (1) of the Planning and Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is consistent with Policy CP 14 of the Newark and Sherwood Core Strategy adopted 2011 (CS), and Policy DM 9 of the Newark and Sherwood Local Development Framework Allocation and Development Management Development Plan Document (DPD)
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which was adopted in 2013 and therefore conforms with the provisions of the Framework. However, as part of my site visit, I took the opportunity to visit the wider area. It was clear to me, that a significant aspect of both the character and appearance of the Conservation Area, derives from the elegant wooden sliding sash windows, finished with paint, which are typical of the architecture of the buildings which line its streets.

6. The host property is an unprepossessing 1970's addition to an attractive brick building which sits on the corner of Appleton Gate and Magnus Street. However, this does not mean it has no value within the Conservation Area. The façade of the building is of a simple unadorned design whose proportions respect and are consistent with its neighbour. From the photographic evidence before me, I consider that the original aluminium windows which were of a light design, did not open outwards, and did not have a heavy horizontal emphasis, would have had a neutral impact on the character of the Conservation Area.
7. I have carefully considered the design of the windows before me. I note, that the shape of the opening in which the window sits, remains unchanged. However, due to their chunky design, including the strong horizontal emphasis as the top and bottom of the window appear to butt against each other, they look considerably cruder than the original slim aluminium windows, and the wooden sliding sash windows, typical of the Conservation Area, including those of the adjacent building. As such, they are visually discordant.
8. My site visit took place on a mild day, when I was able to observe, at the appeal site, the obtrusive nature of the outward opening windows which projected out into the street. This was in contrast to the open, sliding sash windows which I saw elsewhere, which had no adverse visual impact.
9. Therefore, I conclude that the replacement of the previous windows by UPVc glazed windows has an adverse impact on the character and appearance of the Conservation Area. However, whilst the harm of the UPVc windows to the significance of the Conservation Area would be less than substantial, I must weigh the harm against any public benefits of the proposal
10. I am aware, compared to those which were replaced, that the UPVc windows offer increased security and thermal efficiency with a subsequent reduction in carbon emissions, and provide a more comfortable working environment, in a cost effective manner. This in turn, has a positive impact on the health of the business, which whilst providing valuable employment, I consider it to be predominantly a private benefit, and accord it limited weight in favour of the development.
11. I am also aware of the lack of an objection from the Town Council.
12. Moreover, I am not convinced, that the windows which have been installed, provide the only means of achieving the benefits set out above and that alternatives of an appropriate design and materials, consistent with the 1970's building, could not be sourced.
13. I conclude therefore that the limited public benefit of the windows would not be sufficient to outweigh the harm to the Conservation Area. As such, I conclude that the development is contrary to Policy CP 14 of the CS, Policy DM9 of the DPD and the provisions of the Framework.

Conclusion

14. The Framework is clear that the specific policies relating to designated heritage assets must be satisfied. As set out above I have concluded that the proposal does not preserve or enhance the character or appearance of the Conservation Area as a whole. Therefore, the proposed development would not be sustainable development for which there is a presumption in favour. Consequently, I conclude the appeal should be dismissed.

L. Nurser

INSPECTOR