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## Appeal Decision

Site visit made on 13 June 2017

**by Graham Wyatt BA (Hons) MRTPI**

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

**Decision date: 27<sup>th</sup> June 2017**

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**Appeal Ref: APP/K0235/W/17/3171744**

**Flat A and B, 5 Roise Street, Bedford MK40 1JE**

- 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 M Matharu against the decision of Bedford Borough Council.
  - The application Ref 17/00054/S73A, dated 10 January 2017, was refused by notice dated 2 March 2017.
  - The development proposed is a retrospective application for a replacement window in a Conservation Area.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Bedford Conservation Area.

### Reasons

3. The Bedford Conservation Area Appraisal 2008 (BCAA) confirms that the Conservation Area is a very large and varied area. Consequently, it has been broken down into 14 areas with the appeal site within area 7, Borders. Buildings within the Borders vary in scale but are mainly 2 or 3 storeys high and the predominant building material is red and yellow bricks, although painted and stuccoed buildings are apparent. The BCAA states that within the Borders, "Timber sash windows, in various forms, feature widely, along with occasional tall casement windows, although the use of UPVC is not uncommon and fails to replicate the form or detail of the originals."
4. The address for the site is Flat A and B, 5 Roise Street. However, as the site is accessed from the rear, the window the subject of this appeal is visible above 56 Bromham Road which forms part of a row of 5 properties that have a commercial use at ground floor. The properties are not listed but have an historic interest as a result of the Dutch gables and bay windows at first floor along Bromham Road which have a pleasing rhythm and make a positive contribution to the character and appearance of the Bedford Conservation Area. The BCAA recommends that the buildings are locally listed.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.

6. Paragraph 131 of the National Planning Policy Framework (the Framework) states the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. The Conservation Area is a designated heritage asset and paragraph 132 of the Framework states that great weight should be given to the asset's conservation.
7. The window is constructed of uPVC and the two lower side windows are top hung and openable. A horizontal trickle/air vent is also located on the top of the openable windows. The frame and glazing bars are markedly thicker than the existing timber windows at Nos. 52 and 54. In addition, the bottom opening windows are forward of the frame giving the window a more clumsy and chunky appearance to the more refined timber windows at 52 and 54. Consequently, I find the uPVC window to have an incongruous appearance that fails to preserve or enhance the Bedford Conservation Area.
8. As a result of the detailing and materials, the window would cause harm to this part of the Conservation Area. However, given the size of the Conservation Area, the harm identified would be less than substantial. Consequently, the Framework requires that where a development proposal 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.
9. The appellant is aggrieved that the Council appear to have singled him out and points out that 2 of the 5 properties that make up the row also have uPVC windows. However, the Council confirm that those windows were inserted over 4 years ago and are now immune from enforcement action. I was also made aware of other examples of similar/metal windows that exist within the Conservation Area. Notwithstanding this, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
10. No evidence has been submitted that there would be a public benefit from allowing the window to remain that would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets.
11. I therefore conclude that the window fails to preserve or enhance the Bedford Conservation Area contrary to Policy BE9 and BE11 of the Bedford Borough Local Plan 2002 and policy CP23 of the Core Strategy and Rural Issues Plan 2008 which seek, among other things, to ensure that development proposals protect the character and appearance of Conservation Areas.

## **Conclusion**

12. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**