

Appeal Decision

Site visit made on 19 May 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 13th October 2017

Appeal Ref: APP/M1005/D/17/3178997

49 Chesterfield Road, Belper, Derbyshire, DE56 1FF

- 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 Mrs Large against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2017/0281, dated 9 March 2017, was refused by notice dated 19 May 2017.
 - The work proposed is described as '*replacement of 4 x wooden framed single glazed sash style windows which are situated at the front of stone cottage on Chesterfield Road with 4 x UPVC cream woodgrain sash style double glazed units. A Rated Glass, 28mm Double Glazed. Horns and centre bars in-keeping with original sash design. Technical information as per attached manufacturers material. Finish as per current windows, sealed and cemented to brick.*'
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed windows on the character and appearance of the Belper and Milford Conservation Area (CA) and the Derwent Valley Mills World Heritage Site (WHS).

Reasons

3. In considering proposals for planning permission, the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset. Paragraph 134 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal.
 4. Policies EN27 and EN29 of the Amber Valley Local Plan (LP) (2006) reflect the statutory duty and accord with the Framework in that respect, although they fail to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework.
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5. The appeal site lies within the Belper and Milford CA and the Derwent Valley Mills WHS. The significance of the CA and the WHS derives from the association with the industrial heritage of the area. The appeal dwelling is a double fronted, mid-terraced cottage of two storeys within a long terrace.
6. During my site visit I saw that there is a wide variety of replacement windows in this terrace and in the area whose design and/or detail is not consistent with that of the original windows in other properties. However, those replacement windows do not make a positive contribution to, and detract from, the character and appearance of the area. The Council says that those in this terrace are either unauthorised or pre-date the Article 4(2) Direction Order. I have not been provided with full details of the recently approved examples referred to by the appellant and have no compelling evidence that they are directly comparable to this case, nor is the door referred to at Campbell Street which is clearly different to the windows proposed in this case. By contrast, those dwellings that retain their original windows such as no 43 or have accurately detailed replicas such as the adjacent dwelling at no 47 (approved since the Article 4(2) Direction Order) make a strong contribution to the character and appearance of the area.
7. The existing windows in the appeal property are replacement windows of a sash design in a cream painted timber finish with single glazing and top hung openings. The proposed windows would be of a similar sash design of uPVC in a cream woodgrain with double glazing. The frames and glazing bars would be significantly wider than the slender proportions of the windows at no 47 and the glazing would therefore be disproportionate in size. These differences in design and detail would contrast with the original windows or more authentic replicas elsewhere in the terrace and would harm the character and appearance of the area.
8. The appellant says that the proposed windows would be environmentally beneficial by reducing heat loss and noise pollution on this busy road but I am not persuaded that there are no other options that could provide these benefits in a more sympathetic manner as has been achieved at no 47 and elsewhere in the area. She also considers that the Council's stance will deter other home owners from replacing existing windows but it is more likely that those owners would pursue more sympathetic options instead. Whilst the level of harm arising from the proposed windows would be less than substantial, there are, therefore, no public benefits that would outweigh the identified harm as required in paragraph 134 of the Framework.

Conclusion

9. I conclude, therefore, that the proposal would fail to preserve and enhance the character and appearance of the CA and the WHS. It would conflict with LP policies EN27 and EN29 and the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector