The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 26 January 2018

Appeal Ref: APP/M0933/W/17/3177841
11 Market Street, Ulverston LA12 7AY

- 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 Thomas Greenwood, Betfred against the decision of South Lakeland District Council.
- The application Ref SL/2017/0149, dated 28 February 2017, was refused by notice dated 25 April 2017.
- The development is described as *"replace 6 windows – current frames had rotten through & posed a danger to the public. Old frames were wooden sash windows painted white. These were replaced with wooden frame windows with imitation sash."*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place and the application sought to regularise the development. I have determined the appeal on this basis.

Main Issue

3. The main issue raised by this appeal is the effect the development has on the special architectural or historic interest of the grade II listed building, known as Nos 11 and 11A Market Street, and on the character and appearance of Ulverston Conservation Area.

Reasons

4. The listed building is a mid C18, three storey building set within commercial buildings lining the north side of the street. The building derives some of its significance from its age, materials and architecture, as well as its architectural features. The size and configuration of the large windows makes them a notable feature of the upper part of the building's facade. The upper windows are mentioned as being sashed in the list description and the Council consider them likely to have been of a mid C19 type.

5. Although not contemporary with the original construction of the building, based on photographs showing them in situ prior to their removal, the traditional, double hung, vertically sliding windows were features which will have contributed to the building's special interest including through aesthetic and historic value, as well as providing evidence of the evolution of the building.

6. The Conservation Area is extensive and includes the historic townscape of the centre of the town where a distinctive and dense network of streets is lined by largely older buildings, resulting in a character and streetscape of considerable significance. The 'GV' notation in the list description recognises the building as having Group Value and the attributes contributing to its significance as a listed building also make a positive contribution to the character and appearance of the Conservation Area.

7. The replacement windows, although termed by the appellant as 'mock sash', do not have the characteristics or appearance of traditionally constructed vertically sliding sash windows and bear only a passing resemblance to them. Their top opening casements have flat profile frames which sit close to the window frame beneath and the glazing is mounted with prominent timber mouldings below the top window panes. They are not set within a sash box frame, do not display the distinctive set back between upper and lower sashes nor do they have the slender glazing bars of the previous windows.

8. Furthermore, the double glazing has a much more uniform appearance than that of the older glass shown on the photographs in at least some of the windows whose slight distortions will have added depth and character to the building's facade.

9. As a result the windows lack the constructional integrity and important visual subtleties offered by traditional carpentry and glazing methods. They consequently fail to preserve the special architectural and historic interest of the listed building. For the same reason the windows fail to preserve the character and appearance of the Conservation Area.

10. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard, and pay special attention, to the desirability of preserving these attributes. The National Planning Policy Framework (the Framework) requires that great weight is given to designated heritage assets' conservation. In finding harm, this is something to which I have given considerable and importance and weight to. However, this harm is less than substantial in the Framework's terms, as the windows are not the building's only feature of significance and considered in the context of the overall size of the Conservation Area. These are circumstances the Framework requires such harm to be weighed against public benefits of the proposal, including securing the asset's optimum viable use.

11. Notwithstanding that I have been presented with no substantive evidence, including the photographs provided by the appellant, that the condition of the windows was such that they posed a danger to passers-by, in any event it has not been demonstrated that the avoidance of such a hazard could only have been achieved by replacement with the type of windows installed.

12. Similarly, whilst the appellant advises that the new windows have allowed the previously 'largely redundant' upper floors served by them to be brought back into use, I have been presented with no convincing reason why this could not have been achieved through alternative means which would have avoided the harm I have identified. This limits the weight that these considerations can be afforded and I do not consider that any public benefits have outweighed the development's harm to the significance of the designated heritage assets.

13. The development does not accord with Core Strategy[1] Policy CS8.6 and saved Local Plan[2] Policies C15 and C16. Together, and amongst other criteria, these seek to safeguard historic assets and any attributes contributing to local distinctiveness and resist alterations to listed buildings and within conservation areas which adversely affect their character.

14. I have considered other paragraphs of the Framework the appellant has brought to my attention. However, given the conflict with the Framework's conservation approach the development does not satisfy the environmental dimension the Framework considers sustainable development comprises. Having regard to the Framework's other provisions, including those promoting economic growth, this does not lead me to consider that the development is otherwise satisfactory.

15. The appellant's suggestion that inserting strips to give the impression of glazing bars would do little to remedy the adverse effects of the windows and would only superficially reflect the former integral glazing bars. Although other buildings in the vicinity display a variety of window types, from my observations these are on the whole of a character which reflects that of their host buildings, with those conspicuously different in a minority. I do not have any information about the circumstances which led to a broadly similar arrangement in the upper floors of the neighbouring property and as such their presence does not lead me to consider that the appeal development is acceptable.

16. Similarly, shopfronts and signs in the vicinity largely have an effect which does not affect the Conservation Area's significance in a manner where the windows' effects appear less harmful. There is no substantive evidence that the present shopfront, which the Council advise replaced a former early C20 one present when the building was listed, has altered the building in such a way as to have diminished its significance to any degree, and particularly to an extent that would render the effect of the replacement windows above it any less harmful.

Conclusion

17. For the above reasons the development has not preserved the listed building or any features of special architectural or historic interest that it possesses, and has not preserved the character and appearance of the Conservation Area, contrary to the Act, the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

[1] South Lakeland Local Development Framework – Core Strategy, 2010.
[2] South Lakeland Local Plan 2006 & Alterations: Final Composite Plan, 2007.