



Appeal Decision

Site visit made on 20 March 2018

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2018

Appeal Ref: APP/W0340/W/17/3179304

The Flat, The Nags Head, 91 Bartholomew Street, Newbury RG14 5DY

- 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 Nicholas Roffe against the decision of West Berkshire Council.
 - The undated application Ref 16/03437/FUL, was received by the Council on 5 December 2016, and was refused by notice dated 10 March 2017.
 - The development proposed is described as "to replace the existing unapproved fenestration with fenestration to match those approved by your conservation officer, but using a different material."
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposal is somewhat opaque, and for the avoidance of doubt, it is proposed to replace the existing unlawful UPVC windows at first and second floor levels on the front elevation of the building with UPVC windows of a different design.
3. A sample of the proposed first floor window was submitted to the Council. The sample is said by the Council to be consistent with the technical data submitted with the application, but there were some slight differences between it and the drawings supplied with the application, in terms of the depth of window and the omission on the drawings of the decorative horns, albeit that I note that the appellant says that the original windows did not have horns. As the drawings are caveated with a note that says that the dimensions on the plan are indicative only, I have determined the proposal on the basis of the technical data sheets and the photographs of the submitted first floor sample, which, notwithstanding the different design, I have treated as also being representative of the second floor window.

Main Issue

4. Whether the proposal would preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area.

Reasons

5. The appeal building is a two-storey terraced property, with rooms in the roofspace, used as a public house on the ground floor, with a flat above. It lies in a central part of the Newbury Town Centre Conservation Area. The building

is an historic one; the appellant has not provided an assessment of the significance of the conservation area or of the appeal building, but from what I saw on my visit, the building dates from at least the early part of the 19th century, and exhibits a number of architectural features typical of the era. These include the use of Flemish bond red brick, decorative door frame, timber sash windows at ground floor level, arched brick window heads, decorative cornicing above the ground floor and eaves, and tall chimneys with stepped courses and clay pots. Advertising, including that of a now defunct brewery, on the front and side of the building provides additional historic interest.

6. This part of the conservation area derives its significance from the mix of buildings of various ages, heights and designs. The majority of buildings in this stretch of the road from the railway bridge to Craven Road are two or three storeys, with some exceptions. Most date from before the 20th century, but some modern infills have occurred, mostly with little design interest. The appeal building, because of its age and architectural interest, makes a positive contribution to the significance of the area.
7. The background to this appeal is that the windows at first floor level were replaced a few years ago with the windows that are now in place. A retrospective planning application was refused and a subsequent appeal¹ was dismissed in 2015. The Inspector in that case found that the modern, shiny and chunky appearance of the UPVC windows harmed the visual quality of the appeal building and its contribution to the character and appearance of the Conservation Area.
8. The current appeal proposal arises from a proposal to replace the existing windows with ones which better replicate the appearance of the originals. I have been supplied with a photograph which showed the appearance of the building when it was for sale, in which the former windows are visible.
9. Whilst I appreciate that the proposed windows better replicate the pattern of the original windows, I nevertheless find that the proposed windows lacks the delicacy of the various elements of the originals, and that the thick frames and cross bar and the bright uniformity of the UPVC material (even with a matte finish) would fail to replicate adequately the qualities of the original windows. They would stand out as an inappropriate modern replacement, damaging the significance of both the building and the wider conservation area. This would result in material harm to the significance of the conservation area, albeit that in the terms of the National Planning Policy Framework (the Framework) that harm would be "less than substantial".
10. I recognise that there are several buildings in Bartholomew Street which possess UPVC windows in the upper storeys, particularly on the eastern side of the street, where the appeal building lies. The appellant suggests that these have been permitted by the Council, or that they have taken no action against them. Some of them are in modern buildings, where they do not appear out of keeping. But in the case of historic buildings, I have no information about their planning history to indicate that the Council has acted inconsistently or has otherwise accepted these windows. Notwithstanding these windows, of particular importance is that there are many original upper storey windows remaining in this part of the conservation area, which contribute to the

¹ Ref: APP/ W0340/A/14/2226883

significance of the area. If this appeal were to be allowed, it would make it difficult for the Council to refuse other damaging windows.

11. I therefore conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area and would conflict with Policies CS 14 and CS 19 of the West Berkshire Core Strategy, which respectively deal with design principles, one of which is to conserve and enhance the historic and cultural assets of the district, and the historic environment and landscape character.

Other matters

12. The Framework says that where a development proposal will 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, including securing its optimum viable use.
13. In this case the public benefits are very limited. The new windows would be more energy efficient, and there would be some very small public benefit in helping to reduce the emission of greenhouse gases. There would also be some private benefits for the occupiers, providing a warmer flat and reducing traffic and other noise. However, the windows proposed are the only means of securing such benefits. It is possible to install double glazed timber sliding sash windows, or to provide secondary glazing. I have also taken into account the benefits of meeting modern requirements for means of escape. However, bearing in mind the great weight which is required to be given to the protection of conservation areas, I find that even cumulatively, the benefits of the proposal do not outweigh the harm that I have found.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR