
Appeal Decision

Site visit made on 6 August 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/V2635/D/19/3227042

1-8 Elsdens Almshouses, 2 Friars Street, Kings Lynn PE30 5AN

- 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 The Trustees of Elsdens Almshouses against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/02271/F, dated 18 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is replacement of windows.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of windows at 1-8 Elsdens Almshouses, 2 Friars Street, Kings Lynn PE30 5AN in accordance with the terms of the application Ref 18/02271/F, dated 18 December 2018 and the plans submitted with it, subject to the following conditions:
 - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3-138-1 Plans and elevations, Bygone Symphony 2014 Internal Elevation, Bygone Symphony 2014 Front Elevation and Bygone Symphony 2014 Cross Sections.
 - 3 No development shall commence until annotated elevations showing which window design is to be installed in each window opening and the depth of the reveal, measured externally, of each window, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Procedural Matter

2. The appellants have confirmed that the windows which are to be replaced are only those shown on Drawing No. 1/138/1 i.e. Elevation to East, Internal North Elevation and Internal South Elevation.
3. A new version of the National Planning Policy Framework (the 2019 Framework) has been published since the planning application was determined. Both main parties have had the opportunity to refer to the 2019 Framework as part of their appeal submissions.

Main Issue

4. The main issue is the effect of the replacement windows on the character and appearance of the site and the surrounding area and the King's Lynn Conservation Area – The Friars Area (the CA), with particular regard to the material of their construction.

Reasons

5. The area surrounding the appeal site is generally characterised by terraced streets of two storey houses and other buildings set against the back edge of the pavement. The balance between brickwork and glazing is a key characteristic of the terraced houses, however there is a wide variety of window styles and there is no dispute between the main parties that many original windows have been replaced with UPVC windows.
6. Elsdens Almshouses (the Almshouses) are an anomaly in the street, being visible from all four directions and being set back from the road frontage. The site is surrounded on three sides by a brick wall and there is dense planting and a low wall to the Friars Street side. As a consequence of the width of the surrounding streets, the adjacent play area and entrance to Whitefriars Primary School the sides and rear elevations of the Almshouses in particular are visible above the wall and they form an intrinsic part of the street scene.
7. The Almshouses are identified as an important unlisted building on the CA map and they are described as an unlisted heritage asset by the Council. Whilst I have limited information before me to explain the significance of the building, its layout, stepped gables, steeply pitched roofs and decorative ridge tiles and chimneys in combination result in those parts of the building which are visible in the street making a significant contribution to the CA.
8. The development would entail the replacement of windows on two of the gables and the east elevation facing Friars Street and on the internal courtyard facing elements. Other windows on the side and rear walls of the building would remain intact. The new windows would be inserted in those parts of the building which make the least contribution to the street scene at present because they are screened by the dense planting to the street frontage and only glimpsed views are possible.
9. The Council's reason for refusal is based solely on its objection to the material to be used for the construction of the windows. There is no reference to the design of the windows in terms of the number of panes or the size of frames and glazing bars. On that basis given the screening effect of the existing planting and the position of the windows which are to be replaced, the use of UPVC for these particular windows would not have a significant impact on the appearance of the building.
10. There will be no alterations to the side and rear elevations of the building which are the key elements of the street scene. Furthermore, the key features which I have identified as making a significant contribution to the CA would be unaffected by the development.
11. The Council refers to other applications within the CA for UPVC replacement windows which have been refused. However, I have very limited information regarding these cases, thus I am unable to draw direct comparisons with them.

12. I conclude that the appeal scheme would not have a harmful effect on the character and appearance of the site and the surrounding area and the CA, in respect of the material to be used for the construction of the replacement windows. The development is therefore in accordance with Policies CS08 and CS12 of the Kings Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016). These policies jointly amongst other things require materials to respond sensitively and sympathetically to the local setting and that new development preserves, protects and enhances the historic environment. For similar reasons the development is in accordance with the 2019 Framework in relation to conserving and enhancing the historic environment.
13. As I have not found that the development would harm the CA, which is a designated heritage asset, it is not necessary for me to apply the balance set out in Paragraph 196 of the 2019 Framework in this case.

Conditions

14. The Council has requested that five conditions be attached in the event that the appeal is allowed. On the basis that the submitted plans show two options for the replacement windows, clarification is needed of which type will be inserted in which window opening. This is to ensure an appropriate degree of consistency across the east elevation and the internal north and south elevations. Therefore, I have imposed a condition, which is a slightly modified version of the Council's condition to ensure that it is precise.
15. The Council has also requested conditions to require further submissions in relation to the full details of the window style, reveal, cill and header treatment and the colour of the replacement windows. With the exception of the depth of the reveal, there is a sufficient level of detail on the submitted plans to show all other elements of their design and the application form states that the replacement windows will be white in colour. On this basis I have incorporated the approval of reveals into the amended condition regarding the clarification of window types and I have not included the condition relating to the colour of the replacement windows. I have also added the plans showing the window details which were submitted with the application to the approved plans condition.
16. It is necessary for the condition relating to the window types and depth of reveals to be a pre-commencement condition so that the existing windows are not removed before the full details of the replacement windows have been agreed in the interests of the visual amenity of the street scene which forms part of a conservation area. I have consulted the appellants and they are agreeable to the imposition of this condition.

Conclusion

17. For the reasons set out above, the appeal is allowed.

Sarah Dyer

Inspector