
Appeal Decision

Site visit made on 9 September 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/K0235/D/19/3232072
10 St Andrews Road, Bedford MK40 2LJ

- 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 Ten St Andrews Road Bedford Ltd against the decision of Bedford Borough Council.
 - The application Ref 19/00911/FUL, dated 18 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is installation of replacement windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Bedford Conservation Area.

Reasons

3. The appeal property is a large detached Victorian building that has been converted in to flats and is located within a predominantly residential area. It is served by prominent front-facing projecting bays that contain timber sliding sash windows as well as various other decorative features.
4. The site is located within the Bedford Conservation Area (the Conservation Area). The significance of the Conservation Area as a designated heritage asset is drawn, in part, from its range of historic buildings and the consistent quality of its Georgian and Victorian architecture. Timber sliding sash windows of traditional appearance are not uncommon and contribute to the Conservation Area's significance through, in part, their intricate detailing and historic origins.
5. The site is located within The Saints sub-area of the Conservation Area. As stated in the Conservation Area Appraisal (2008) (the Appraisal), much of the existing building stock in this sub-area is in a state of transition, which has implications for the character of the area and its architectural and visual integrity. The evident loss of historic fabric and details, such as timber sliding sash windows, is also noted in the Appraisal. Indeed, a variety of different window designs and replacement plastic installations are in evidence along St Andrews Road itself, which influence the Conservation Area's existing character.

6. It is nevertheless the case that, in the immediate vicinity of the site, there is still a well-established presence of street-facing timber sliding sash windows that outwardly contribute to the Conservation Area's special interest. Whilst the windows under consideration here are, in places, showing some outward signs of deterioration due to a lack of recent maintenance, I did not observe the windows to be in an extremely poor state as alleged by the appellant. Being inherently traditional in their design and makeup, the windows make a positive contribution to the Conservation Area.
7. Planning permission¹ has already been granted for replacement plastic windows to the side and rear elevations of the appeal building. Whilst visible in-part from St Andrews Road, these openings are setback from the street frontage and there is distinct separation between them and the front-facing elevation of the property. I do not consider that matching the window materials across all elevations, as would be the outcome here, would have a positive effect. The loss of historic fabric and the introduction of comparatively plain and unembellished plastic frames in such a visible location would have a noticeable and harmful effect. This is even though windows of sliding sash design are proposed.
8. Notwithstanding supporting written advice from a local carpentry and property maintenance firm to the contrary, it was not obviously the case from external inspection that the windows under consideration are either rotting or unrepairable. Indeed, the Council's Conservation Officer has suggested that the windows are repairable. I do not consider that it has been thoroughly demonstrated that the windows are rotten and unrepairable. Furthermore, the difference in cost between fully replacing in timber or plastic is not clear from the evidence before me such that it has not been robustly established that the anticipated costs associated with replacing the windows in timber would make this potential option unviable.
9. The Council has referenced several dismissed appeals relating to sites elsewhere. However, there would have been differing site specific circumstances to take in to account such that these decisions are of limited relevance to my considerations here. It is my duty to consider the appeal proposal before me based on its own individual merits.
10. Whilst it is my understanding that properties along St Andrews Road that are occupied as single dwellings benefit from permitted development rights that would potentially allow windows to be replaced without planning permission, this is not the case with respect to the flatted appeal property. I have assessed the proposal's effects in this context and based on the current makeup of the site and its surroundings. For the avoidance of doubt, the absence of an Article 4 direction does not in itself suggest that windows are not intrinsic to the significance of the Conservation Area. Indeed, I have found that timber sliding sash windows are not uncommon and do contribute to the Conservation Area's significance.
11. The proposal would lead to less than substantial harm to the significance of the Conservation Area for the reasons set out above. As laid out in the National Planning Policy Framework (February 2019), any less than substantial harm should be weighed against the public benefits of the proposal. Whilst the proposal would lead to investment in the property, I have found that the

¹ 18/01000/FUL

windows in their current form and condition continue to make a positive contribution. Whilst plastic windows would likely require less regular maintenance over future years, this benefit of the scheme would be modest and would not outweigh the identified harm that would be caused to the Conservation Area. I also note here that the thermal performance of the existing windows, if of concern, could likely be improved through the internal installation of such measures as secondary glazing.

12. The proposed development would cause harm to the Bedford Conservation Area by virtue of failing to preserve or enhance its character and appearance. The proposal conflicts with Policies BE9, BE11 and BE30 of the Bedford Borough Local Plan (October 2002) and with Policies CP21 and CP23 of the Core Strategy and Rural Issues Plan (April 2008) in so far as these policies require that all new development within, adjoining, or likely to affect the setting of conservation areas, preserves or enhances its character or appearance.
13. The proposal conflicts with the development plan and material considerations do not lead me to a decision otherwise.

Conclusion

14. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR