



Appeal Decision

Site visit made on 30 July 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/N4205/C/18/3218612

Land 43-45 Bradshawgate, Bolton BL1 1DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ghanshyam Properties Limited against an enforcement notice issued by Bolton Metropolitan Borough Council.
 - The enforcement notice was issued on 15 November 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of uPVC windows within the first and second floor elevations of the property fronting Bradshawgate.
 - The requirements of the notice are to permanently remove from the first and second floors fronting Bradshawgate the uPVC windows.
 - The period for compliance with the requirements is 180 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted for the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the installation of uPVC windows within the first and second floor elevations of the property fronting Bradshawgate on Land at 43-45 Bradshawgate, Bolton BL1 1DR referred to in the notice.

Procedural Matters

2. I have dealt with another appeal (Ref: APP/N4205/C/18/3218611) on this site. That appeal is the subject of a separate decision.
3. The appellant has requested that I also consider the uPVC windows which have also been installed in the rear elevation of the appeal premises as part of the deemed planning application. However, S177(1)(a) does not empower the grant of permission for a development which is not the whole or part of the alleged breach. In this case the breach relates solely to the first and second floor windows fronting Bradshawgate and my considerations in this appeal must therefore be confined to the front elevation windows only.

Appeal on ground (a), deemed planning application

Main Issue

4. The main issue in this case is the effect on the character or appearance of the host property and Silverwell Street/Wood Street Conservation Area.

Reasons

5. The appeal premises form part of a larger building which dates from the late 19th Century and occupies a prominent position on Bradshawgate. It is situated within the Silverwell Street and Wood Street Conservation Area (CA). From my observations and the details available to me, including the Council's Draft Silverwell Street & Wood Street Conservation Area Appraisal, July 2008 (CAA), I consider that the significance of the CA as a heritage asset is mainly drawn from its origin in the medieval period and its relatively uniform scale and grain. In addition, there are some fine examples of late Victorian and Edwardian commercial buildings along Bradshawgate which contrast with the strong Georgian character of the original townhouses on Silverwell Street and Wood Street, all of which contribute to the significance of this heritage asset.
6. The building itself is of three stories, built of red brick with terracotta ornament and a slate roof. Its front elevation is Renaissance in style and makes a positive and distinctive contribution to the character of the CA which comprises many historic buildings. The ground floor of the building is occupied by commercial units and has been altered to incorporate modern shop fronts with deep fascia's displaying advertisements. The first floor of the building has large arched windows with elaborate terracotta spandrels, whilst the second-floor windows are predominantly rectangular and of sash proportions.
7. The breach of planning control relates to the installation of uPVC windows in the first and second floors of the front elevation of the appeal premises. Appendix 1 of the appellant's statement of case includes a photograph of the appeal premises, dated January 2014 and prior to the installation of the uPVC windows alleged in the notice. The photograph shows that the windows that were replaced included timber frames, however they did not comprise any original or historic joinery. Indeed, the windows varied considerably in their appearance with each window frame displaying a different pattern of openings. The windows in the second floor were predominantly small top hung casements, with those on the first floor all retaining the transom at the bottom of the arch, but each displaying a different pattern of opening below. Furthermore, the building as a whole includes uPVC windows within other parts of its front façade and little, if any, historic joinery is evident.
8. The CAA advises that uPVC windows and doors are not acceptable in conservation areas as they are not in character with the traditional buildings. I too appreciate that the subtle variations in profile and texture found in traditional joinery are not generally replicated with the use of uPVC, which has a much flatter and manufactured appearance. In addition, I have taken into consideration the whole-life environmental costs of replacement with uPVC as set out in the Council's Statement.
9. I saw on my site visit that the windows installed had retained the arched frames at first floor level. The sections and profile of the frames installed do not appear excessive or noticeably intrusive when viewed from the street and the windows frames have also incorporated a transom, which to my mind was the strongest and most characteristic feature of the former windows. In addition, the new windows are sufficiently well recessed in the reveals, so that they do not appear unduly prominent or assertive. Whilst they may have deeper sections, the effect of this is moderated by the depth of the reveals. Most telling visually, the replacement windows include trickle ventilators with

- plastic hoods which are not found in traditional windows. However, given their positioning at second floor they are not readily visible to the casual observer.
10. On balance, whilst there are some differences in close view, they are not readily apparent as one moves away from the facades through the CA. Moreover, in this case the works have not resulted in the loss of historic or traditional joinery and the windows that have been replaced were of no special character. I am satisfied that the replacement windows, in this particular case, have sustained the character of the host property and the conservation area.
 11. In addition, the replacement windows have introduced a consistent pattern to the window frames at first and second floor within the appeal premises, and it can be seen from the archive photographs that the recent refurbishment has, in some respects, given a significant lift to the sense of prosperity in this area and to the appearance of the building as a whole.
 12. I conclude that the uPVC windows do not have a harmful effect on the character and appearance of the host property and accord with the provisions of the Planning (Listed Buildings & Conservation Areas) Act, 1990 and preserve the character and appearance of Silverwell Street/Wood Street Conservation Area. I therefore find no conflict with the National Planning Policy Framework's policies which seek to conserve the historic environment, nor with the development plan and in particular with Policies CG3, TC3 and TC11 of Bolton's Core Strategy (adopted 2011) which seek, amongst other things, to conserve and enhance the historic character and local distinctiveness of this area.

Conclusion

13. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the installation of uPVC windows within the first and second floor elevations of the property fronting Bradshawgate as described in the notice. No conditions were suggested by the parties and I do not consider that any are necessary.

Elizabeth Pleasant

INSPECTOR