



Appeal Decision

Site visit made on 17 September 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/M3455/C/19/3220612

1 Glebe Street, Stoke-on-Trent ST4 1HP

- 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 Mrs Sharon Brammeld against an enforcement notice issued by Stoke-on-Trent Council.
 - The enforcement notice was issued on 20 December 2018.
 - The breach of planning control as alleged in the notice is: UPVC windows on the elevations fronting Glebe Street and Church Street installed without planning permission to ground, first and second floor within the conservation area.
 - The requirements of the notice are: remove all unauthorised white UPVC double glazed windows on the building on the elevations fronting Glebe Street and Church Street and reinstate timber sash windows of the same design and appearance to those in place prior to the development taking place. For the avoidance of doubt, photographs are attached to this notice showing the appearance of the building prior to the unauthorised works taking place and the windows which need to be replaced.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the character and appearance of the conservation area.

Reasons

3. The Stoke Conservation Area (CA) is in a town centre location, and its mix of commercial, civic and other uses reflect this. Its significance lies in the visual interest arising from the diversity of periods and styles of buildings, and the interrelationship of dense urban development with the open spaces, for example, at the grounds of Stoke Minster.
4. The appeal site at 1 Glebe Street occupies a prominent corner location within the CA, and is clearly visible in views from the surrounding streets. It is a three

storey building with facades on both Church Street and Glebe Street. On the ground floor is a fine historic shopfront, with a door and window within arched surrounds on the Glebe Street façade. On the first floor are tall window openings, and smaller, more square window openings on the second floor. The slate roof is hipped, and an attractive cornice feature runs along the length of the eaves. These features appear to be characteristic of the age and style of the building, which makes a valuable contribution to the CA.

5. Works have been undertaken to replace all the previous timber sash windows with uPVC windows, and photographs of the removed windows have been provided. Although the appellant considers that the new windows are not dissimilar to the old, from the evidence before me, they differ in a number of key ways.
6. The previous plain sash windows were of a traditional style, and I saw a number of comparable examples in the vicinity of the appeal site. They were typically elegant, with fine dimensions and narrow meeting rails. By contrast, uPVC is not an appropriate replacement material for historic timber windows. Firstly, the new uPVC windows have substantially thicker frames and meeting rails, and consequently appear significantly more bulky than the timber windows.
7. Furthermore, uPVC is a synthetic material whose smooth, shiny, modern appearance does not satisfactorily capture the character of a traditional painted timber finish. As a result, the new windows appear discordant, and out of keeping with their historic context.
8. The pattern of division has also been altered in the second floor windows, which appear to have been changed from vertical sliding sashes to side-hung casements. This change does not sit well with the architectural composition of the building, and would be particularly noticeable when the second floor windows were open.
9. Taking all of these factors in combination, I conclude that the development unacceptably harms the appearance of the appeal building, thus failing to preserve the character or appearance of the wider conservation area.
10. Accordingly, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight. In addition, the development fails to accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS), which amongst other things, requires development to respect the historic environment, and CSS Policy CSP2, which seeks to preserve the character and appearance of the city's historic heritage.
11. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 195 of the National Planning Policy Framework (NPPF). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a development would lead to less than substantial harm, the harm should be weighed against the public benefits arising from it.

12. In view of the considerations above, I am unable to agree that the replacement windows have cosmetically improved the façades at No 1. Whilst the restoration of the shopfront would be a welcome heritage benefit, it would not mitigate the loss of significance embodied in the historic timber windows. I have taken into account the need to provide a means of escape from the flats, and the appellant's aims of saving energy and reducing sound. However, there is little evidence before me that such benefits could not be achieved by a more sympathetic scheme. As a result, these factors do not count in favour of the development.
13. I therefore find that insufficient public benefits have been identified that would outweigh the harm I have identified to the CA. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Conclusion

14. For the reasons given above, I conclude that the appeal on ground (a) should fail and the deemed planning application should be refused.

Elaine Gray

INSPECTOR