
Appeal Decision

Site visit made on 10 September 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/G1630/D/19/3231665

Doe House, Main Street, Dumbleton, Evesham, Gloucestershire WR11 7TH

- 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 Ms Nadine Dorries against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00078/FUL, dated 22 January 2019, was refused by notice dated 29 March 2019.
 - The development is the retention of replacement windows on front elevation (retrospective) and replacement of a bay window on the ground floor front elevation (revised application following the split decision of application reference 17/005690FUL).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above heading has been taken from the appeal form. That description focusses on the principal areas of dispute between the main parties, namely the windows to the front elevation, of which some have already been installed. Consequently, I have limited my assessment below to those disputed windows.

Main Issue

3. The main issue is the effect of the replacement windows on the character and appearance of the host dwelling and the surrounding area, including the Dumbleton Conservation Area (CA).

Reasons

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal property is located within the Dumbleton CA which is strongly characterised by a number of well preserved buildings with a historic character and appearance along the main street of the village, from which the CA derives its significance. I note the Council's consideration of the appeal property as a non-designated heritage and agree with this, as it contributes positively to the character and appearance of the CA.

5. The appeal property is a semi-detached dwelling known as Doe House. The attached dwelling, Orchard House, combines with the appeal property to present a pleasant traditional building, characteristic of the local street scene. They also combine to give an attractive uniform appearance with a balanced design and consistent facing materials, despite minor additions to Doe House including a hipped roof over the bay window, a side extension which was formerly used as a shop, and the existing replacement windows which are the subject of this appeal.
6. The appeal property directly fronts a pedestrian path, from which there is a perceivable difference between the replacement windows installed at Doe House and the traditional sash windows remaining at Orchard House. The replacement windows on the appeal property sit flush with the building façade and have a noticeably thicker frame. Compared to the traditional sash windows at Orchard House, which are recessed with thin wooden frames, the replacement windows at Doe House disrupt the harmonious appearance of the semi-detached dwellings and their collective contribution towards the traditional character and appearance of the surrounding area. The CA Character Statement acknowledges the variety of window designs throughout the village, but posits that the introduction of more modern designs with features such as thick frames should be prevented as they would look poor and harm the local characteristics of buildings and the surrounding area.
7. Accordingly, I find harm to the character and appearance of the host dwelling and the surrounding area, neither conserving nor enhancing the CA. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) I consider the harm to the CA as a designated heritage asset to be less than substantial. Therefore, I have had regard to whether the windows on the front elevation that are the subject of this appeal offer any public benefits which may outweigh this harm. The windows would offer the occupant of the appeal property improved security. Such personal circumstances are likely to offer limited public benefit and there is no good reason to believe that they could not be achieved through the use of more sensitive design options. Therefore, on balance the benefits do not outweigh the harm to the host CA as a designated heritage asset.
8. Consequently, the appeal proposal conflicts with Policy SD8 of the Adopted Joint Core Strategy (CS), saved Policy HEN2 of the Tewkesbury Borough Local Plan 2011 (March 2006) (LP), and Section 16 of the Framework. These policies seek, amongst other things, to ensure that development preserves or enhances the character and appearance of heritage assets, both designated and non-designated.

Other Matters

9. It has been put to me that the windows in question may not require planning permission, because of permitted development rights and the validity of an Article 4 Direction which might affect such rights. As this is an appeal being considered under section 78 of the Town and Country Planning Act 1990, I am required to determine the appeal before me and not the lawfulness of such development. Insofar as any such permitted development might represent a fallback option for the appellant, I have considered what weight this would carry when undertaking the planning balance. Acknowledging that there are likely other considerations that I am not fully aware of that might affect the

potential lawfulness of such development, I can only give limited weight to the potential fallback option. On this basis, I find that the degree of harm identified and associated conflicts with the CS, LP and the Framework significantly outweighs the potential fallback.

10. The appeal property also falls within the Cotswold Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act and Paragraph 172 of the Framework requires that great weight be given to conserving and enhancing the landscape and scenic beauty of the AONB. The reason for refusal does not identify any harm to the AONB. Having regard to the evidence before me I have no reason to come to a different conclusion.

Conclusion

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

J Gibson

INSPECTOR