



Appeal Decision

Site visit made on 25 September 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/Y0435/D/19/3231756

45 Northampton Road, Lavendon MK46 4EY

- 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 Mrs Louise Caves against the decision of Milton Keynes Council.
 - The application Ref 19/00268/FUL, dated 3 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is described as *"I would like to put new windows and doors in my house as the current windows and doors are not fit for purpose, provide little insulation and are rotten. The current windows at the front of the house have been in for approximately 20 years plus. The rear windows and doors have been in for approximately 15 years when the house was renovated by a previous owner. I wish to replace the old Timbre Windows with Timberlook A rated windows. These windows are excellent quality and will not require the constant maintenance of wood. We are not altering the shape or size of the windows or the glazing arrangement. They will appear in-keeping with the wood finish cottage style windows we currently have in place. The colour we are proposing at the front is a very subtle Cotswold Grey which compliments the old stonework of the property. The windows to the rear elevation extension will once again remain the same shape, sizing and glazing arrangement but be in cream. Timberlook windows are recommended and approved for use in conservation areas. The Timberlook brochure can be viewed online: <https://www.timberlook.com/wpcontent/uploads/2017/09/A4-Flush-Sash-2017-Brochure.pdf> I am completing a minor full planning application of the advice of the Council having after my certificate of Lawfulness Application 18/02937/CLUP was refused."*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Based on the description of development above, I have determined the appeal on the basis that all the windows and doors would be replaced in accordance with the details referred to in the Timberlook Flush Sash Heritage Window brochure. I am satisfied that the main parties would not be prejudiced by my dealing with the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development preserves or enhances the character or appearance of the Lavendon Conservation Area.

Reasons

4. The appeal property is an end-terraced dwelling which incorporates a substantial rear extension. The property is situated within the Lavendon Conservation Area (the Conservation Area). The significance of the Conservation Area lies at least in part in the positive contribution made by the historic street pattern, position of buildings and the architectural legibility of the built fabric. Moreover, from what I observed, the elevations of dwellings where they have timber windows and doors, including those of the appeal property, make a positive contribution to the character and appearance of the street scenes within the Conservation Area. The success of replacement uPVC windows within the Conservation Area varies depending on their design, profile, size of openings and the extent of glazing.
5. The proposed windows would not appear to be to the same design or glazing arrangement as the existing windows, as these are externally hinged and the opening sections sit proud of the frame. The opening sections of the proposed windows would be flush with the frame, which would lead to a bulky and incongruous appearance given the greater extent of framing. The proposed glazing bars would also be externally applied, rather than the glass sitting within the frame created by the glazing bars. I note that careful consideration appears to have been given to the proposed colour of the windows. However, the other aspects of the detailed design only serve to highlight the fact that the proposed window frames would be unsympathetic to the character and appearance of the Conservation Area when compared to the existing windows in the appeal property.
6. Whilst I recognise that Council did not find against the proposals for windows to the rear of the appeal property, it is unclear whether this included the windows and door to the side of the property. Nonetheless, from the evidence before me, the proposed windows would not appear to be of a style matching the design of these existing windows, as they are of the same opening style to those within the front elevation. It is also unclear which doors design would be utilised as replacements. I cannot therefore be satisfied that the proposals for windows and doors elsewhere within the property would not have a similarly harmful effect on the character and appearance of the Conservation Area, particularly those windows that would be visible between 45 and 47 Northampton Road.
7. The harm to the significance of the Conservation Area that would result from the proposals would be localised and therefore the effect on the Conservation Area as a whole is less than substantial. It would nonetheless represent an erosion of the Conservation Area's distinctive character. In circumstances where there is less than substantial harm to the significance of a designated heritage asset, in this case the Conservation Area, Paragraph 196 of the Framework identifies that harm should be weighed against the public benefits of the proposal. This aim is repeated in Policy HE1 of the Milton Keynes Council Plan:MK 2016-2031 (Adopted March 2019) (LP).
8. Most of the benefits that would result from the proposed windows would be private benefits restricted to the occupiers of the appeal property in terms of the acoustics, security, and reduced heat loss and maintenance requirements associated with the proposed windows, albeit that there would be a small public benefit in terms of the minimisation of energy consumption linked to the latter.

The replacement of those windows that are in a poor condition would also be a benefit, particularly where they would be visible from within the public realm. However, windows of an identical design to those that are proposed to be replaced might be similarly effective in all these respects without harming the character or appearance of the Conservation Area.

9. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposals would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm. The public benefits associated with the proposals would not outweigh this harm.
10. In light of the above, I conclude that the proposed development would not preserve or enhance the character or appearance of the Conservation Area. Consequently, it would not therefore accord with Policies D3 and HE1 of the LP. Together these policies support new development where the building's façade elements should be carefully designed to create character and visual interest; and where it will sustain and, where possible, enhance the significance of heritage assets considering, amongst other things, avoiding successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment. For similar reasons, the proposals would also result in conflict with the requirements of Section 12 of the Framework in relation to achieving well-designed places.
11. I recognise that there have been alterations to doors and windows carried out within the Conservation Area and the appeal property lies within Northampton Road where such changes are apparent and have eroded some historic features. However, whilst the heritage quality of the Conservation Area may already have been compromised to a degree, the proposal would neither preserve nor enhance the character and appearance of the Conservation Area and could be repeated to its overall detriment.
12. I note that new dwellings have been constructed to the rear of the appeal property and further to the east and uPVC windows have been utilised. I am not aware of the full circumstances of those cases or the policies that applied at the time of their consideration. Nevertheless, I have taken these developments into account when assessing the existing character and appearance of the Conservation Area and in doing so, due to their location, they exercise only a limited influence on the existing street scene. I also recognise that the proposed windows have been used elsewhere, including in the Cotswolds. I am advised that the same product has been used at No 37. However, the windows that I observed in that property do not appear to be flush fitting so would not compare with the proposed windows. The presence of these developments would not therefore outweigh the harm that I have identified in respect of the proposals.
13. None of the other matters raised alter or outweigh my conclusion on the main issue.

Other Matters

14. I note that the improvement of the acoustic performance of the proposed windows would improve the living conditions within the dwelling, which would accord with the requirements of Policy D5 of the LP. However, windows of a similar design and glazing arrangement as the existing windows may also be

suitably effective. Consideration of this matter does not therefore lead me to a different conclusion on the main issue.

15. The appellant has referred to the Council's approach to its decision-making, including their approval of windows and doors for No 37, and suggests that their report is contradictory. However, these are not matters for me to consider as part of this appeal and, in any event, I have undertaken my own assessment of the effect of the appeal scheme based on its own individual merits.

Conclusion

16. For the reasons given above, the proposals would conflict with the Development Plan taken as a whole, therefore I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR