
Appeal Decision

Site visit made on 26 November 2019

by Peter Mark Sturgess BSs (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 December 2019

Appeal Ref: APP/F3545/D/19/3235471

84 Kings Road, Bury St. Edmunds IP33 3DS

- 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 Mr White against the decision of West Suffolk Council.
 - The application Ref DC/19/1194/HH, dated 4 June 2019, was refused by notice dated 24 July 2019.
 - The development proposed is installation of replacement windows to front of property (retrospective application).
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the area, including its effect on the character or appearance of the Victoria Street Conservation Area.

Reasons

3. 84 Kings Road is located within the Victoria Street Conservation Area of Bury St. Edmunds (the conservation area). An 'Article 4 Direction' (the direction) has been in place in the area since 2001 and refreshed in 2015. The direction has the effect of bringing into planning control, amongst other things, any enlargement, improvement or other alteration of a dwelling house, including replacement windows. The aim of the direction is to retain traditional features such as sash windows and encourage accurate reinstatement of both materials and details where they have been lost.
4. The appeal property is an end terrace of four houses. It is in an area which is characterised by terraced houses. Many of the houses have white painted timber sash bay windows facing the street at ground floor level and white painted timber sash windows at first floor level.
5. I noted on my site visit, that there are some examples in the area of windows which have been replaced in materials other than timber; my overriding impression however, was that most of the houses still have white painted wooden windows.
6. I have viewed the windows at No 84 and compared them to other, wooden, sash windows in the area and to the 'before' and 'after' photographs supplied by the appellant. From my observations of the area and the photographs I am

of the view that it is still possible to discern the uPVC windows as a modern insertion that are an incongruous intrusion into the street scene. A building's fenestration is an important component in defining its visual and architectural character. I consider that the thicker mullions, smaller glazing panels to the front and narrower glazing panels to the side of the uPVC sashes in the ground floor bay window, harm the character and appearance of the conservation area. I also consider that the uPVC does not adequately recreate the appearance of timber as it has an artificial texture and more uniform finish when new and aged, than painted wooden windows.

7. My attention has been drawn by the appellant to other replacement windows in the area. I take the view that the purpose of the direction is to improve the appearance of the area, incrementally; so that windows unsympathetic to the character or appearance of the area are replaced by windows sympathetic to the character or appearance of the area, over time. To allow the replacement of timber windows with uPVC in this instance would send out the wrong message to other home owners who might be considering replacing their windows and risks undermining the purpose for which the direction was made.
8. As well as having regard to the development plan I also have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. The principal development plan policies which are relevant to this appeal are: CS3 (Design and Local Distinctiveness), St. Edmundsbury Core Strategy (SECS) 2010; DM16 (Local Heritage Assets and Buildings Protected by an Article 4 Direction) and 17 (Conservation Areas), Forest Heath and St. Edmundsbury Local Plan – Joint Development Management Policies Document (JDMPD), February 2015. All the policies have the aim of creating a high-quality environment in the area and promoting local distinctiveness.
10. Policy DM 17 of the JDMPD seeks to preserve or enhance the character or appearance of conservation areas by, amongst other things, retaining important original features such as doors and windows. Policy DM16 supports development that would affect local heritage assets or buildings protected by an article 4 direction, provided it would respect, amongst other things, elevational treatment and will not lead to the unacceptable loss of original features.
11. My conclusion in relation to the statutory duty is that the character or appearance of the conservation area is not preserved or enhanced by the installation of the windows, as it is still possible to discern the uPVC windows as a modern insertion that are an incongruous intrusion into the street scene.
12. I have had regard to paragraph 196 of the National Planning Policy Framework (the Framework) which requires the harm of the proposal to be weighed against its public benefits, where there is less than substantial harm to the significance of the designated heritage asset. The harm that arises from the installation of the windows is localised. Therefore, the impact on the conservation area as a whole is less than substantial.
13. The appellant has argued that the windows will assist in combating climate change due to their better thermal insulation properties when compared to wooden windows. This argument is capable of being taken into account in this

decision, but it is not well enough developed to outweigh the harm the windows cause to the character or appearance of the conservation area. This results in a conflict with paragraph 193 of the Framework, because harm to the conservation area must have a clear and convincing justification, as the Framework requires great weight to be given to the conservation of designated heritage assets.

14. My conclusion in relation to the development plan is that I do not consider the windows meet the requirements of the development plan policies as they have led to the unacceptable loss of original features and the replacement windows do not respect the elevational treatment of the house.

Other Matters

15. The appellant has also argued that the cost of replacing wooden windows with new wooden windows is prohibitively expensive for some people. However, it is my experience that wooden windows will rarely need completely replacing if they are properly maintained. Therefore, in these circumstances, the cost of installing new wooden windows is not something that influences my decision in this appeal.

Conclusion

16. I find that having regard to all matters before me, including the need to have regard to the statutory duty set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the requirement to take into account paragraph 196 of the Framework and the provisions of the development plan, when taken as a whole, that the appeal should be dismissed.

Peter Mark Sturgess

Inspector