
Appeal Decision

Site visit made on 10 December 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2020.

Appeal Ref: APP/P1235/W/19/3236159

10 Gloucester Street, Weymouth DT4 7AP

- 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 Marcus Hester against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/19/00001/FUL, dated 15 December 2018, was refused by notice dated 11 March 2019.
 - The development proposed is described as: 'replace 16 windows in white plastic retrospective'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the application form refers to the 16 windows as retrospective insertions. I noted from my site visit that 12 of the windows were already in situ, whilst the four windows planned for replacement at ground floor level were still in their existing wooden form and had not been replaced. Therefore, the Appellant would be seeking permission for what is already in place as well as those remaining windows proposed at ground floor.

Main Issue

3. The main issue is whether or not the proposed replacement windows will preserve or enhance the character or appearance of the Weymouth Town Centre Conservation Area (WTCCA).

Reasons

4. The appeal property is located within the Park Street Sub-Area of the WTCCA, and due to its location within this heritage designation, I have attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA) in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Comprising a large three storey corner building the appeal property contains 6 residential flats. It has a dual frontage facing Gloucester Street and Great George Street respectively. The Council's character appraisal of the WTCCA¹ lists

¹ Weymouth Town Centre Conservation Area Character Appraisal

the appeal property along with those it adjoins in the terrace as key local buildings that make a positive contribution to the conservation area (CA). In the wider context, this part of the WTCCA's special character is derived from Victorian terraces that incorporate a pleasing rhythm of tall bay windows along with historic detailing around window and door frames. These features all make a positive contribution to the significance of the WTCCA.

6. The windows in situ and those proposed would replace wooden framed openings that comprise a mix of shapes and sizes that include arched, square and large bay windows. The bay windows are especially prominent by virtue of the size and projection from the façade of the building. The terrace of properties that adjoin the appeal site retain a clear historic character, and I observed that the majority of properties along Gloucester Street have retained their wooden vertical bay windows and painted doors. There are however some uPVC windows amongst traditional timber sash openings in most of the properties facing Gloucester Street and Great George Street. In these cases, I found that the more modern uPVC windows appeared incongruous and more simplistic, in contrast to the finer historic features on the frontages of buildings.
7. With some of the appeal property's original wooden windows still in place, I was able to make an assessment between these and the uPVC windows the appellant has installed. The new windows have marginally larger frames and a profile to accept double glazing. The frames have a more shiny and reflective finish compared to the more muted painted timber. Further, because the windows are formed of standard components their section and detail, in terms of mouldings, does not replicate those of the existing windows. Combined with those already in place, the 16 uPVC windows would introduce modern and relatively incongruous materials in what is presently a largely historically intact property and the area.
8. In support of the appeal, my attention was drawn to other properties in the area that have similar uPVC windows. However, these are some distance from the appeal site and relate to different buildings within the CA. I also note that there are some plastic meter boxes on the appeal building, but these differ visually to uPVC windows. Therefore, it would be difficult to make a direct comparison with the appeal scheme, and in any case, I have determined the appeal on its own merits.
9. As a consequence of the detailing and materials, the replacement windows would cause harm to this part of the CA, but given the extent of the CA, this harm would be less than substantial. The National Planning Policy Framework (the Framework) requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The appellant has identified that the replacement windows would require minimal maintenance and be energy efficient, which would help secure more economically viable and sustainable dwelling units. However, there is no evidence before me quantifying these benefits or indicating that the development proposed is the only means of achieving them. Given that many properties in the area do not incorporate uPVC double-glazed windows there is furthermore nothing before me to suggest that the continued domestic use of the property would inherently be compromised by the absence of such development. As such, and as the benefits of the proposal are chiefly private to

the occupants of the property rather than public benefits, they cannot carry significant weight in favour of the proposal.

11. Therefore, I conclude that the existing and proposed replacement windows fail to preserve or enhance the character or appearance of the WTCCA. The scheme conflicts with Policies ENV4 and ENV10 of the West Dorset, Weymouth and Portland Local Plan 2015. These policies, amongst other considerations, require development to protect the significance of heritage assets and be informed by the character of the site and its surroundings. The proposal would also be contrary to the Framework which requires heritage assets to be conserved in a manner appropriate to their significance.

Other Matters

12. I have taken account of the points made by the appellant in respect of pre-application discussions with the Council regarding the appropriateness of the proposal. However, the Planning Practice Guidance² sets out that pre-application advice is not binding on the Council. Therefore, whilst I note this background, it relates essentially to procedural matters rather than to the planning merits of the proposal which are the substantive matters relevant in this appeal.
13. I note the confirmation that the installed windows comply with building regulations, however, this is a separate form of consent to planning permission and is not a material consideration in my determination.

Conclusion

14. For the reasons set out above, and having regard to all other matters, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR

² Reference ID: 20-011-20140306