
Appeal Decision

Site visit made on 15 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/R1038/W/19/3234835

Ashover Post Office, Moor Road, Ashover, S45 0BN

- 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 M Brown against the decision of North East Derbyshire District Council.
 - The application Ref 19/00403/FL, dated 29 March 2019, was refused by notice dated 18 June 2019.
 - The development proposed is replacement of 6 windows.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Whilst keys were left for me to access the property, I was unable to attract the attention of the occupiers of the flats and therefore I did not gain access to the upper floors of the premises. However, as the proposed development is limited to the front of the property, I was able to assess the proposal from outside of it.
4. The Appellant is of the opinion that the appeal proposal does not constitute development. However, the proposal before me relates to a refusal of a planning application under section 78 of the Act and I have considered the appeal on this basis. It is clearly open to the appellant to make a further application to the Council to determine whether her assertion is correct.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the surrounding area including whether it would preserve or enhance the character or appearance of the Ashover Conservation Area.

Reasons for the Recommendation

6. The appeal property is a 3-storey commercial property building located in a prominent location at the junction of Moor Road with Malthouse Lane, within the Ashover Conservation Area (Conservation Area). The building is attractive and is identified as an 'Important Building' within the Ashover Conservation Area Character Statement (Statement), which the Council has indicated is a non-designated heritage asset. Specific mention is made to a "pair of coupled sliding sash windows to the first floor level with central stone mullions and lintel band above" and a "pair of single pane vertical sliding sash windows to the second-floor level". The proposal is to replace these windows with UPVC sash windows.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas and non-designated heritage assets such as the host property, is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. At paragraph 193, the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, including a Conservation Area, that great weight should be given to the asset's conservation.
8. A photograph has been provided indicating the type of window proposed, however no detailed drawings have been submitted showing the position of the new windows within the openings, their detailed design and proportions, including the width of the frame, the position of the glazing bar or the sash mechanism. Accordingly, and mindful of the guidance within the Statement that the replacement of softwood doors and vertical sliding sash windows in older buildings with UPVC windows and doors should be avoided, I am unable to conclude whether the proposal would respect the traditional built features of the Conservation Area or whether it would conserve or enhance the character or appearance of it, in accordance with the aims of Policy BE11 of the North East Derbyshire Local Plan (2005).

Conclusion and Recommendation

9. In light of the foregoing I recommend that the appeal should be dismissed. The condition of the existing windows, the likely future maintenance, the alleged increased energy efficiency of the proposed windows, and UPVC windows on other properties nearby does not lead me to conclude differently.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal should be dismissed.

RC Kirby

INSPECTOR