



Appeal Decision

Site visit made on 10 March 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2020

Appeal Ref: APP/T3725/W/19/3241216

24 Church Hill, Leamington Spa CV32 5AY

- 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 Midland Heart Limited against the decision of Warwick District Council.
 - The application Ref W/19/1164, dated 3 April 2019, was refused by notice dated 24 September 2019.
 - The development proposed is described as 'Retrospective planning application for the replacement of sash windows, doors and associated works at'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application to which this appeal relates to was refused on the basis of the submitted drawings. However, during my visit I noted that two of the proposed windows at basement level have already been replaced. Therefore, I have determined this appeal on the basis of the submitted drawings and the development as it appears on-site.

Main Issue

3. The main issue is whether the replacement windows would preserve or enhance the character and appearance of the Royal Leamington Spa Conservation Area (CA).

Reasons

4. The appeal property 24 Church Hill (No 24) is situated along the northern side of Church Hill, adjacent to the junction with Woodbine Street. It is located at the end of a continuous row of houses which step down west-to-east as the street level drops. It comprises a two-storey building with basement and attic which is in residential use.
5. No 24 is located within the CA. Based on the Council's 'Guide to Conservation Areas – Royal Leamington Spa Conservation Area' ('the Appraisal') the appeal property is located within 'Area 24 – Warwick New Road'. This is to the west of the town centre and principally comprises mid-to-late nineteenth century residential development and is described in the Appraisal as a 'gateway western approach'.
6. The character and appearance of Area 24 is largely derived from its built form along the main roads of Warwick New Road and Church Hill. Despite some modern

buildings and alterations, the nineteenth century buildings are most prevalent and there is a consistency in their appearance which creates a strong rhythm to the streetscene. This is attributed to their scale and the use of common architectural features, in particular windows, ornate doorcases and decorative embellishments to their elevations.

7. No 24 is constructed in brick across three bays with a slate roof. There is a two-storey bay window to the front elevation and the windows to the frontage and side (east) elevation are vertical sliding sashes; those to the rear comprising sliding sashes in various sizes. Decorative detailing includes the window surrounds and doorcase, cornicing and quoins. Therefore, despite incorporating a modern roof extension, No 24 is a good example of a nineteenth century property. Accordingly, it makes a positive contribution to the character and appearance of the CA.
8. The existing timber and single glazed windows are all proposed to be replaced with double glazed units. The appellant argues that the proposed development will not result in the loss of any original historic fabric at No 24 because the existing timber windows are not original and were replaced in 1997 (planning ref: W/97/0014). Further, that these replacement windows installed in 1997 incorporate an unsympathetic vent to the top rail. Whereas, the Council's Conservation Officer advises that it is likely that the existing windows have been adapted to incorporate the vents.
9. Nevertheless, on the available information, I cannot be certain that the existing windows are not original. Moreover, and despite incorporating vents, which are fairly inconspicuous, the existing windows due to the slenderness, composition and opening mechanism of the existing frames, and the use of single glazing are broadly consistent with other nearby historic windows.
10. The specification of the replacement windows partly reflects the Council's 'Windows in Listed Buildings and Conservation Areas' ('Guidance Note'). This includes the use of timber frames painted white and utilising a spring-balanced sash mechanism to replicate the vertical sliding sash openings. Also, the size of the window openings would not be altered, and the replacement windows are to be set-back within the window reveals, maintaining the position of the existing windows.
11. Notwithstanding the above and the use of hidden vents and the omission of horns, the Guidance Note advises that where a defective window is to be replaced it should match, in all respects, the original window detailing. This must include materials, size of panes, size of frame, width of glazing bar, mechanism, ironmongery, and any detailing associated with the internal or external surround of the window. Further, that the use of double-glazed units is not acceptable in replacement sash windows.
12. In this case, the individual changes from the existing windows to the replacement units would result in some increase in the width of the frames, along with a refractive difference resulting from the double-glazed units. These, along with the use of astragal bars, which would be applied to both the internal and external panes with a black spacer bar, add bulk and give each unit a modern appearance.
13. Such incremental changes to each window replaced, incorporating all of the windows along the front, rear and a side elevation of the building would cumulatively and appreciably alter and modernise its overall appearance. My findings on this matter are reinforced having observed the replacement windows

which have already been installed. Consequently, the replacement windows would fail to preserve or enhance the historic character and appearance of the CA. I consider such harm to be less than substantial.

14. Paragraph 196 of the National Planning Policy Framework ('the Framework') states 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 including, where appropriate, securing its optimum viable use.
15. The appellant advises that the proposed replacement windows would retain the longevity of the building and improve heat and sound insulation. However, on the available information it has not been clearly shown that such improvements could not be achieved through restoration works and the incorporation of secondary glazing to the existing windows, as set out in the Council's Guidance Note. I therefore attach limited weight to such benefits.
16. Having special regard to preserving or enhancing the character and appearance of the CA¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Having given limited weight to the public benefits identified in this instance, they are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
17. For the above reasons, the development fails to accord with Policy HE1 of the Warwick District Local Plan 2011-2029 which requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

Other matters

18. The appellant refers to an Article 4 Direction which was adopted by Warwick District Council in 2012 and an 'Information Sheet' in respect of this, which states that 'the installation of double-glazed units into existing frames, if it does not alter the size of the frame, would also not require planning permission'. However, the appellant also advises that the Article 4 is not applicable to No 24. Furthermore, the appeal proposal is not comparable as it is for the complete replacement of windows. Therefore, this matter does not alter my findings on the main issue.
19. Although the appellant refers to examples of modern replacement windows within the vicinity of No 24, that are not in accordance with the Council's Guidance Note, I have insufficient information in respect of these to draw any meaningful conclusions. In any event, each application is determined on its merits.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990