



Appeal Decision

Site visit made on 19 May 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2020

Appeal Ref: APP/D0121/C/19/3236235

52A Bristol Road Lower, Weston-Super-Mare, BS23 2PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr A Kastrati against an enforcement notice issued by North Somerset Council.
 - The enforcement notice, numbered 2016/0346, was issued on 5 August 2019.
 - The breach of planning control as alleged in the notice is without planning permission the insertion of UPVC windows and rooflights.
 - The requirements of the notice are 1. Remove the UPVC windows and replace with single glaze timber sash windows. 2. Remove the rooflights and make good the roof using tiles to match the existing.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a)

2. No 52A consists of the upper floors of a large semi-detached Victorian villa, standing in the Weston-Super-Mare conservation area. This part of the conservation area is characterised by even larger villas in their own grounds and various semi-detached houses, generally with attractive mixed stone and brick façades and window openings defined with stone surrounds. This gives the windows greater prominence than they otherwise might have.
3. Walking around the area it is clear, as the appellant suggests, that there is a considerable amount of UPVC of varying quality in many of the windows, but equally there are a lot of windows that retain their wooden sashes. In particular the neighbours on both sides of the appeal property retain their sash windows, which highlights how important these seemingly small scale features are to the overall quality and feel of the conservation area.
4. The appeal windows are particularly poorly designed with thick, heavy horizontal glazing bars, presumably partly to enable the casement opening. Consequently they stand out as harmful. The harm to the conservation area is less than substantial, but, because many of the original window features have been lost, those that remain are more precious.

5. The rooflights are also plainly visible from the street and are a feature notable by their absence in the area. I could see only one other rooflight in the roof of No 1 Kew Road, which is a substantial detached house, with a variety of roof planes and one small rooflight. By contrast, the appeal property has several rooflights crowded onto a modest roof area. These too stand out in an incongruous and harmful manner albeit on a small scale. Considered on their own the harm to the conservation area is at the lower end of less than substantial.
6. In cases where less than substantial harm is caused to an historic asset, that harm has to be weighed against the public benefits. In this appeal these benefits are solely the limited improvement in energy efficiency caused by the double glazed UPVC windows. The improved living conditions for the appellants family are a private matter. This very small benefit does not outweigh the harm caused and the development is contrary to the NPPF.
7. Policy CS5 of the 2017 North Somerset Core Strategy requires the historic environment to be conserved and singles out in particular the Victorian townscapes of Weston. Policy DM3 of the 2016 Development Management Policies document seeks to cause no harm to the existing character of conservation areas. The UPVC windows and rooflights are both harmful and contrary to these policies. This harm is not outweighed by the appellant's personal circumstances and these particular UPVC windows are not the only way to secure energy efficiency gains.
8. I shall dismiss the appeal and uphold the notice.

Simon Hand

Inspector