

Appeal Decision

Site Visit made on 10 November 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/X1355/D/20/3258090

4 The Old Smithy, Clock Tower Mews, Hude, Middleton-In-Teesdale, Durham, DL12 0QW

- 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 Jefferson against the decision of Durham County Council.
 - The application Ref DM/20/00824/FPA, dated 13 March 2020, was refused by notice dated 21 July 2020.
 - The development proposed is to replace existing wood framed windows and door which are single glazed with high quality UPVC alternative to similar design / appearance.
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Decision

1. The appeal is allowed and planning permission is granted to replace existing wood framed windows and door which are single glazed with high quality UPVC alternative to similar design / appearance at No. 4, The Old Smithy, Clock Tower Mews, Hude, Middleton-In-Teesdale, Durham, DL12 0QW in accordance with the terms of the application, Ref DM/20/00824/FPA, dated 16 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Site location plan, Proposed view from South of 4 Clocktower; Evolution- Timber Alternative Collection.
 - 3) Notwithstanding the details submitted, prior to the installation of the door, hereby approved, details of its colour shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
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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. The Council's decision notice referred to policies GD1, BENV3, BENV4 and H11 of the Teesdale Local Plan Policies 2002. This has now been superseded by the County Durham Plan (CDP) which was adopted on 21st October 2020.
4. The relevant policies are those which are in place at the time the appeal decision is made and, in that respect, I shall refer to policies 29 and 44 of the CDP in making my recommendation. Both main parties have had opportunity to comment on the revised development plan policy position.

Main Issues

5. The effect of the proposal on 1) the character and appearance of the appeal building and whether it would preserve or enhance the character or appearance of the Middleton and Teesdale Conservation Area (CA) and 2) the effect on the setting of the nearby Grade II listed clock tower, weighbridge and stables.

Reasons

Character and Appearance

6. No. 4, The Old Smithy, forms part of a former workshop and stable block which was converted into residential use. It sits within a row of two storey properties overlooking a rectangle cobbled courtyard which is bounded by similar two storey and single storey properties.
7. Whilst No. 4 is not a listed building, its uniformed appearance and use of similar materials of local stone, slate, window style and green paint work upon the external doors, forms part of a group of buildings which have a positive influence on the character and appearance of the area. Within the immediate area there is a clock tower, weighbridge and stables which are Grade II listed.
8. No. 4 sits within the CA, with its significance, in so far as it relates to this appeal site, deriving from its strong physical and social history links and attachment to Middleton House, the former head office to the London Lead Company.
9. The proposal seeks to replace the existing cream coloured timber framed windows and green painted timber door with cream coloured wood effect uPVC double glazed windows and door. The design would match the existing style.
10. From my observations I noticed the majority of windows and doors of properties overlooking the cobbled courtyard had similar timber framed single glazed units, and without any contrary evidence I consider those to have been fitted as part of the earlier conversion. I observed that the neighbouring property had double glazed units and an alternative door design. However, despite these changes, the overall uniformity in fenestration, which is an attractive feature throughout the courtyard, remains throughout the group of buildings and which contributes to the quality of the principal elevations that overlook the communal courtyard and thus to the areas overall significance.
11. I observed at the side and rear of No. 4, which were accessed via the clocktower, that uPVC double glazed windows were installed. These, according to the planning history for the site, were granted approval under planning reference DM/18/01368/FPA. Despite these changes they did not appear to impact or harm the character and appearance or significance of the area.

12. The proposed timber effect uPVC windows and door would have a similar style and appearance of that which they seek to replace. Whilst I appreciate the appearance of No. 4 would be altered, as is the case with the neighbouring property with double glazed inserts, the style would appear almost identical to the existing timber windows and door on the front elevation. The profile and thickness of the window surrounds would be replicated. As such, the proposal would not result in material harm to the architectural composition of the building. Moreover, given the specific product that is proposed, I do not consider that the differing texture of the wood effect uPVC in the context of No. 4 or the neighbouring properties would appear contextually out of keeping and would not detract from the existing courtyard scene. The difference may be notable upon very close inspection but from general views I am satisfied that the impact arising from the change in material will be minimal, as was the case for the windows that have previously been replaced.
13. The front elevation of No. 4 appears prominently within the courtyard itself, however, it is not visible from views immediately outside of the courtyard or from views taken from the public highway. Moreover, as the existing uPVC double glazed windows upon the side elevation of No. 4 are visible from outside of the courtyard and on approach to and from the clocktower, the impact from the proposal on the appeal building itself, the CA as a whole or the setting of the surrounding listed buildings would have no material increase than those already existing.
14. I appreciate the Council is seeking to retain a consistent approach towards replacement windows and doors within this grouping and which seeks to preserve or enhance the character and appearance of the CA. However, whilst the windows and doors are of good quality, the conversion is relatively modern and the windows appear to be of a different style from other windows and doors in the immediate area. In addition, there is no demonstrable evidence of the style of the original windows that were used within a building of this type, the significance of the building would not be harmed by changing the materials. In effect, one recent intervention would be replaced by another with a very similar appearance, notwithstanding the change in material. The proposal would therefore have a neutral effect on the character and appearance of No. 4, the surrounding properties and the CA, as it relates to this appeal site, and the CA taken as a whole.
15. I conclude on this main issue that the proposal would not harm the character and appearance of the appeal building and would have a neutral effect on the CA, thus preserving the character and appearance of the CA. The proposal thereby accords with policies 29 and 44 of the CDP or the National Planning Policy Framework which together seek, amongst other things, development within a Conservation Area to preserve those elements which contribute to their special character or appearance.

Setting of Listed buildings

16. The proposal sits within the setting of the nearby Grade II listed buildings, namely the clock tower, weighbridge and stables. The 'setting' of a heritage asset is defined in the glossary to the National Planning Policy Framework (the Framework) as 'the surroundings in which a heritage asset is experienced'. Setting however can extend to more than just a visual connection, it can also include associative or historical links.

17. There is no substantive evidence in regard to the style of the original windows or that the replicated windows located in the conversion are in any way connected historically or associated with the nearby listed buildings. Nor is there any evidence in regard to the effect that the proposal would have on their setting.
18. The proposal would result in the altered appearance to the front façade of No. 4, however, this does not in itself mean that it would be harmful, particularly when taking into account the altered appearance of the neighbouring property, as a result of the double glazed inserts, and the double glazed uPVC windows upon the side and rear elevations of No. 4. Therefore, whilst the proposal would have the effect on altering the appearance of the setting, the proposed alteration would not be harmful. Consequently, the proposal would not impact or affect important views of the heritage asset, nor would it visually compete with or distract from their significance. The proposal's effect on the setting of the designated heritage asset would therefore be neutral and would sustain the experience of the asset within its setting.
19. On this main issue I conclude that the proposals would have a neutral effect on the setting of the nearby Grade II listed clock tower, weighbridge and stables. Accordingly, it complies with policies 29 and 44 of the CDP or the National Planning Policy Framework which together seek development proposals to contribute to the significance of heritage asset.

Conditions

20. In addition to a condition specifying the time limit, I recommend the imposition of a condition specifying the relevant drawings as this provides certainty. I observed uniformity in terms of the colour used for the doors across the converted building as a whole and for this reason in the interest of appearance of the building and the setting of the listed buildings it would be necessary to continue the use of the existing colour scheme throughout. Consequently, I recommend the imposition of a condition to this effect.

Conclusion

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed, subject to the conditions set out.

Chris Preston

INSPECTOR