



Appeal Decision

Site Visit made on 5 January 2020

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/F3545/W/20/3257846

Lawn House, 16, The Street, Moulton, Newmarket, Suffolk CB8 8RZ

- 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 Hugo Harley against the decision of West Suffolk Council.
 - The application Ref DC/20/0485/FUL, dated 2 July 2020, was refused by notice dated 22 July 2020.
 - The development proposed is to change existing doors & windows from wood to double glazed UPVC
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Hugo Harley against West Suffolk Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A Householder Application for Planning Permission was originally submitted in association with this proposal. However, at the request of the Council an amended full application form for planning permission was submitted. I have determined this appeal on the basis of the amended submission and I have referred to the application number and date of submission of the revised application form in my banner above.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and surrounding area, with particular reference to the Moulton Conservation Area (the CA).

Reasons

5. The appeal site fronts onto The Street, a predominantly residential street within the village of Moulton. Opposite Lawn House is open land. Both sides of The Street lie within the CA and Lawn House is identified as a Building of Local Importance.
6. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its rural vernacular architecture. The character and appearance of the CA in this vicinity

is of a spacious, rural village street, fronted by buildings of predominantly traditional design.

7. The appeal property is a traditional two storey building and accommodates the village post office. The building retains much of its original design features, including wooden doors, sash windows and a large shop window. These features contribute positively to the significance of the building, being a reasonably intact building with several period details, including historic sash windows and a historic shop front.
8. I therefore conclude that the building is justifiably identified as a Building of Local Importance, and, particularly in view of the prominence of the shop window in the street scene, its authenticity makes a significant contribution to the character, significance and appearance of the CA.
9. The proposal would replace the wooden windows and doors on the building with ones formed from UPVC. Whilst I have limited information regarding the design detailing of the proposed replacement windows and doors, the replacement of these features, unless replicating them in material and design, would harm the significance of the CA as defined above, particularly in regard to its authenticity. This harm would be compounded by the insertion of UPVC windows, which would be of an overtly modern material.
10. I note that other buildings within the CA have UPVC windows fitted, and some of these are of a high quality replicating traditional window designs. However, there is little evidence before me of the planning history of these windows. Their nature is, nonetheless, evident and even a good quality UPVC window is unlikely to replicate the authenticity and design of a traditional sash window/historic shop front. Further, none of these windows has such prominence within the street scene as the shop window. Their presence does not, therefore, justify the loss of the existing features and, indeed, the proliferation of windows in the modern material increases the significance of the contribution made by surviving historic windows as representative of the features of the CA.
11. I therefore find that the development would cause material harm to the character and appearance of the Moulton Conservation Area. The proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would be contrary to Policies DM2, DM16, DM17 and DM38 of the West Suffolk Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document -2015- and Policies CS3 and CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (with housing projected to 2031) - 2010.
12. These policies jointly, amongst other things, require new development, including shopfronts, to be designed to a high quality and reinforce local distinctiveness or enhance the character and appearance of the area; preserve or enhance local character and distinctiveness of the historic environment; and respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building.

13. Whilst predating the current Framework, these policies are in close conformity with the aims of Sections 12 and 16, with which the proposal would also be in conflict, and therefore carry significant weight.
14. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the CA insofar as it would neither preserve nor enhance the character or appearance of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
15. The development would provide public benefits in terms of increasing the energy efficiency of the building. There would be likely minor benefits to the local economy in terms of short term employment in the construction industry and longer term support of a local business. However, benefits would be limited by the scale of the development and could be achieved by replacing the windows and doors using traditional materials.
16. The benefits of the proposal would be of limited weight overall. The proposal would result in a high level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA. I afford considerable importance and weight to this statutory duty. This does not amount to a direction to refuse proposals that harm, and thus fail to preserve, designated heritage assets, but it provides a strong presumption in favour of preservation.
17. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.

Other Matters

18. There have been numerous expressions of support from local councillors and residents, including a petition. However, this does not outweigh the harm to the CA that I have identified above.
19. I note the dissatisfaction of the appellant with the way in which the Council handled his application. This, however, lies outside of my remit in determining this appeal.

Conclusion

20. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR