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## Appeal Decision

Site visit made on 12 January 2021

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 January 2021**

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**Appeal Ref: APP/B1605/W/20/3256241**

**Apartment 7, North Hall, Pittville Circus Road, Cheltenham GL52 2QU**

- 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 Benjamin Malone against the decision of Cheltenham Borough Council.
  - The application Ref 20/00831/FUL, dated 26 May 2020, was refused by notice dated 3 July 2020.
  - The development proposed is replace an existing single glazed sash bedroom window with a uPVC double glazed sash window in each of 2 bedrooms at the front of the building (LHS first floor) - 2 windows being replaced.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of development above from the application form. Although different to that on the decision notice, no confirmation has been provided that a change was agreed.

### Main Issue

3. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Central Conservation Area (CA) and a non-designated asset.

### Reasons

4. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
5. From my observations, and the Central Conservation Area: Pittville Character Area Appraisal and Management Plan (Appraisal), the significance of the CA lies, in part, in it being one of the most complete Regency towns in England. The Conservation Area covers an extensive section of the town including the town centre of Cheltenham where the historic layout and street pattern remain. These highlight the town's origins. It also shows how the built environment has adapted to ensure the area remains a focal point and busy part of the town with a diverse range of uses and buildings.

6. The appeal site lies within the Pittville Character Area with its planned layout and extensive open spaces, with many properties having a distinctive appearance and use of quality building materials.
7. The appeal building is also locally listed partly due to the detailing and building materials and therefore is a non-designated heritage asset. The existing building contributes positively to the area, in part due to the consistency of the appearance of the front elevation of the building.
8. The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. When considering the effect of a proposed development on the significance of a non-designated heritage asset, the Framework advises that a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset.
9. It is said that the proposed windows would be of a sash style. Photographs of the existing windows and brochure details of those proposed have been provided. Notwithstanding this, other than proposed sections there are limited details to show how the windows would appear, the division of glazing, thickness of any features or reveals and how this would compare to the existing windows. The consistency in the appearance of the front elevation is an important part of the character of the building. Variation in the appearance of the windows would disrupt this and be incongruous. There is insufficient information for me to be sure that the proposed windows would satisfactorily replicate the appearance of the existing ones.
10. The set back of the building from the road would reduce the prominence of any differences in views from public vantage points. Nonetheless, without sufficient details of the window arrangement and appearance I cannot be sure whether the new windows would be noticeably different or not. From closer views within the plot any variation from the other front elevation windows would be more obvious.
11. A condition was suggested by the Council requiring the replacement windows to match as closely as possible the original ones. However, this is not sufficiently precise. On the basis of the information before me, it has not been demonstrated that a suitably similar appearance can be achieved. As these details are fundamental to my consideration of the scheme, it would not be appropriate to impose a condition requiring them at a later time.
12. From my observations of the existing uPVC windows at the rear of the property, there was not an overtly noticeable difference in their reflection to the timber ones on the same elevation.
13. For the purposes of the Framework, the CA is a designated heritage asset. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of this. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
14. The proposal would bring about environmental benefits with the energy efficiency of the proposed windows and accord with local and national policy aims with regard to climate change. Nonetheless, as a result of the scale of the proposal the contribution would be small. I note the financial cost and

practicalities of alternative methods of improving energy efficiency. However, these do not represent public benefits. That there is some public support for the proposal is not a reason in itself to warrant allowing the appeal.

15. As such, on the basis of the information before me, in this instance the public benefits would not outweigh the identified material harm to the designated heritage asset. The proposal would therefore be contrary to the historic environmental policies contained within the Framework.
16. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA and the non-designated heritage asset. The proposal would conflict with the design and conservation aims of Policies CP7 and BE 11 of the Cheltenham Borough Local Plan and Policies SD4 and SD8 of the JCS.
17. It would also be contrary to the Appraisal and Index of buildings of Local Interest SPD, where they aim to prevent loss of traditional architectural features and preserve and enhance the character of Indexed buildings.

### **Other Matters**

18. My attention has been drawn to examples of uPVC windows at other properties nearby and the appeal property itself. Nevertheless, I do not have full details of the level of information that was provided with these or the circumstances that led to their approval. Moreover, the windows at the existing building are located on the much less prominent rear elevation. Furthermore, some of the examples highlighted only served to show how modern windows that do not replicate the style of historic ones can detract from the character and appearance of a building.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. While the development plan documents were adopted several years ago, this does not imply they are out of date. The policies referred to above are consistent with the Framework where it states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. The handling of the application by the Council and fees relating to this and previous submissions is not a matter that alters my findings on the main issue.

### **Conclusion**

21. Therefore, for the above reason, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR