



Appeal Decision

Site visit made on 9 March 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/N2345/D/20/3264537

187 Watling Street Road, Preston PR2 8AE

- 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 Shahzad Ahmed against the decision of Preston City Council.
 - The application Ref 06/2020/1027, dated 22 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed was originally described as 'change only colour of all the approved UPVC replacement windows and rear aluminium bi fold doors from white to grey (Planning Application No. 06/2020/0559)'.
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Decision

1. The appeal is allowed and planning permission is granted for a bay window and infill brickwork to front, following removal of redundant shop front; single storey rear extension at basement level with external steps and roof terrace over, following removal of existing steps; replacement windows, extension to hard surfacing including raising of ground level, alterations to boundary treatment and garden wall to front, and removal of tree in rear garden at 187 Watling Street Road, Preston PR2 8AE in accordance with the terms of the application, Ref 06/2020/1027, dated 22 September 2020, subject to the conditions in the schedule attached to this decision.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. It refers to planning permission ref: 06/2020/0559 ('the existing permission'), granted on 8 September 2020, for a development described as 'bay window and infill brickwork to front, following removal of redundant shop front; single storey rear extension at basement level with external steps and roof terrace over, following removal of existing steps; replacement windows, extension to hard surfacing including raising of ground level, alterations to boundary treatment and garden wall to front, and removal of tree in rear garden'.
3. The proposal in this appeal is essentially the same as the existing permission, with the difference that window frames and bifold doors would be grey rather than white. The Council therefore used the original description of development in its decision notice, and this was adopted by the appellant on the appeal form. I have also used that longer description in my formal decision above, as it is a more accurate description of the proposed development as a whole.

4. Notwithstanding this, it is clear from the evidence before me that the proposed colour of the window frames and bifold doors is the only substantial point of dispute between the parties, and the existing permission is a fallback position for the appellant. I have therefore confined my detailed consideration in this appeal to this disputed matter.

Main Issue

5. The main issue is the effect of the colour of the proposed window frames and bifold doors on the character and appearance of the host building and the Fulwood Conservation Area.

Reasons

6. The appeal site is within the Fulwood Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
7. The part of the Conservation Area around the appeal site was substantially developed in the 1920s and 30s, although some of the buildings are older. As a result of alterations to properties over the years many attractive and original features have been lost, and the immediate surroundings therefore do not have the architectural or historic significance of other parts of the Conservation Area. However, Watling Street Road itself is a broad and attractive tree-lined avenue with smart Victorian, Edwardian and later properties, and it connects the appeal site both physically and in character and appearance to the 19th century planned residential estate further west. The significance of the Conservation Area as a whole derives from its historic development as an outer suburb of Preston and from the number of original buildings which contribute to the character and appearance of the area. The Conservation Area is covered by an Article 4 Direction removing some permitted development rights, including exterior painting otherwise permitted by Part 2 Class C of the GPDO¹.
8. The appeal property is an early 20th century double-fronted semi-detached dwelling on the south side of Watling Street Road, on a corner plot at the junction with Garrison Road. The Watling Street Road elevation includes a redundant shop front, and the various works now proposed are intended to facilitate the use of the entire property as a single family dwelling. Several elements are of particular relevance to the dispute in this appeal: the removal of the shop front and the erection of a square bay window in its place; the erection of a rear basement extension with bifold doors; the removal of the windows and their replacement with bifold doors on one elevation of a rear bay at raised ground floor level; and the replacement of existing timber windows on the front, side and rear elevations of the property.
9. Under the existing permission the lower ground floor bifold doors would be grey, but all window frames and the upper set of bifold doors would be white

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

which the Council considers reflects the 'traditional colour' used within the Conservation Area. The appellant is now seeking permission for grey window frames and bifold doors to be used throughout. As previously, the bifold doors would be made of aluminium, while the windows would be uPVC from a heritage range. In granting the existing permission the Council acknowledged that uPVC windows had been installed at nearby properties, including the attached neighbouring building at No 185 Watling Street Road, and considered that the proposed aluminium bifold doors would not be prominent in the street scene. It therefore concluded that the use of non-traditional materials would not appear as an alien feature within the locality. None of the evidence before me leads me to a different view on this point.

10. The window frames on the appeal property which would be replaced are brown and white painted timber, while those on the adjacent property No 185 Watling Street Road are white uPVC. While the Council may wish to see semi-detached pairs of dwellings having matching white window frames, the existing situation is one where there is no such conformity. Although the colour used on the appeal property would change, I am satisfied that the proposal would cause no harm to the visual relationship between the neighbouring buildings.
11. Turning to the wider area, the appellant has drawn my attention to several examples of properties with grey window frames nearby, including on Watling Street Road itself. I saw on my site visit that while most of the window and door frames in the surrounding area are white (whether uPVC or painted timber) there is some variety, and a large number were other colours including brown, green and blue, as well as the grey examples to which I was directed.
12. The appellant referred me to an appeal decision where the Inspector considered the colour of window frames in a Conservation Area². However, while there may be some parallels that decision related to a modern extension on a site in London, and it does not on the face of it add significant weight in support of the proposal before me. Furthermore, I recognise that in some Conservation Areas an absolute consistency of colour, design and detailing of windows and doors may be an essential characteristic of the area. However, from what I saw of the Fulwood Conservation Area that is not the case here. I do not therefore consider that the further use of a muted, subtle colour already in use in the Area such as grey would be harmful to the character and appearance either of the host building or the wider area.
13. The Council's officer report indicates that other grey window frames nearby are either unauthorised, immune from enforcement action due to the length of time they have been installed, or have been installed with planning permission. However this does not support the idea that non-white windows frames and doors are alien or intrusive features in the area, particularly as some have been granted planning permission by the Council, nor does it alter my judgement.
14. I conclude that the use of grey windows and bifold doors would not be harmful to the appearance of the appeal property, and the character and appearance of the Conservation Area would be preserved. I therefore find no conflict with Policy 16 of the 2012 Central Lancashire Core Strategy ('the CLCS'), Policies AD1(a), EN8 and EN9 of the 2015 Preston Site Allocations and Development Management Policies ('the SADMP'), saved Policies D13 and H8 of the 2004 Preston Local Plan, or with advice in the 2013 Residential Extensions and

² Ref: APP/K5600/W/16/3154517

Alterations Supplementary Planning Document. Together these policies and guidance seek to safeguard heritage assets from inappropriate development, and to ensure that proposals (including domestic extensions and alterations) protect and enhance local character. For the same reasons I find no conflict with the requirements of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of the heritage assets, it is not necessary for me to apply the public benefit test set out in paragraph 196 of the Framework.

Conditions

15. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have made minor alterations to the suggested wording in the interests of clarity and effectiveness.
16. In addition to the standard time limit condition (1) I have specified the approved plans so as to provide certainty (2), while a condition requiring materials to match those specified (3) is necessary to protect the character and appearance of the area, as well as to comply with the requirements of Policy 16 of the CLCS and Policies EN8 and EN9 of the SADMP.
17. I have also imposed a condition requiring the development to be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (4). I have used the same wording as for the condition imposed on the existing permission. Although this condition was not suggested by the Council, as I have described above the planning application was effectively a resubmission of planning permission ref: 06/2020/0559, albeit with different coloured window frames and bifold doors. This condition therefore remains necessary to prevent damage to the existing trees, shrubs or hedges to be retained, as well as to comply with the requirements of Policy EN10 of the SADMP.

Conclusion

18. For the reasons given above the appeal is allowed.

M Cryan

Inspector

Schedule of 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 supporting documentation:
 - 06.2020.1027 Location Plan
 - 06.2020.1027 Site Plan (Sept 2020)
 - 06.2020.1027 Existing and Proposed Elevations (Sept 2020)
 - 06.2020.1027 Supporting Statement
 - 06.2020.1027 Heritage & Supporting Statement
 - 06.2020.1027 Heritage & Supporting Statement - Appendices
- 3) No materials shall be used on the external elevations or roof of the proposed development, or doors or windows installed, other than those referred to on the approved plans and supporting documentation.
- 4) The development hereby approved shall be carried out in accordance with the recommendations of the Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan, dated 5 June 2020, prepared by Treestyle Consultancy, submitted with the application. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

--End of schedule of conditions--