
Appeal Decision

Site Visit made on 7 September 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/A2470/D/21/3275746

Waterlea, Brookdene, Ashwell LE15 7LQ

- 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 Peter Woods against the decision of Rutland County Council.
 - The application Ref 2021/0101/FUL, dated 27 January 2021, was refused by notice dated 19 April 2021.
 - The development proposed is replace 2 no. windows on South Elevation and 5 no. windows plus 3 no. within bay window on East Elevation with Residence 7 PVCU flush sash casement windows.
-

Decision

1. The appeal is allowed and planning permission is granted to replace 2 no. windows on South Elevation and 5 no. windows plus 3 no. within bay window on East Elevation with Residence 7 PVCU flush sash casement windows at Waterlea, Brookdene, Ashwell, Oakham LE15 7LQ in accordance with the terms of the application Ref 2021/0101/FUL, dated 27 January 2021, subject to the following conditions:
 - 1) The development hereby approved shall be carried out not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Block Plan, Plan Reference Number: TQRQM21023114136979; Makeover photo: Front Elevation, Ref: 23-1-v1; and Makeover photo: Porch, Ref: 23-1-v1.
 - 3) The external windows hereby permitted shall be constructed and installed in accordance with details and specifications which have first been submitted to and approved in writing by the Local Planning Authority. These shall include details of cross-sections, reveals, method of opening as well as details and/or samples of the profiles and colour and finish of the windows.

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. In the interest of clarity, I have used the description of development taken from the decision notice which was replicated in the appeal form as this more accurately describes the development proposed.

4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed in this decision.

Main Issue

5. Whether the proposed development would preserve or enhance the character or appearance of the Ashwell Conservation Area (CA) and linked to this whether the proposal would preserve the setting of the nearby Grade II Listed 5-11 Water Lane.

Reasons for the Recommendation

6. The Ashwell Conservation Area Character Appraisal and Management Proposals (adopted 2013) notes that the special interest of the CA comes from the low-density housing sited behind front gardens with natural stone boundary walls. It states that windows within the CA typically reflect the status, period and style of the building and that UPVC windows on historic buildings would not normally be acceptable. There is an Article 4(2) Direction that covers the village which removes permitted development rights of dwellings within the village to replace windows and doors that face a highway.
7. The design and age of the dwellings and associated windows near to the site vary considerably, and there are several older dwellings that have PVCU windows. Where windows have been replaced, they have generally been designed to be sympathetic with the appearance and age of the dwelling. Additionally, the colour of the window frames varies throughout the CA.
8. Waterlea is a relatively modern red brick bungalow with white timber casement windows. The dwelling is located on the junction between Water Lane and Brookdene and as a result addresses both roads. The site is well screened from Brookdene by a tall hedgerow but is clearly visible from Water Lane as the hedge along that boundary is lower. Paragraph 207 of the Framework states that not all elements of the CA will necessarily contribute to its significance. Whilst the design of the dwelling itself does not reflect the special interest of the CA the property follows the general low-density housing typical within the CA. As such, the appearance of the dwelling makes a neutral contribution to the significance of the CA whilst the wider plot makes a positive contribution.
9. The existing windows are simple in design and the proposals would be of the same form but using timber-effect PVCU in a slightly different colour. Limited information has been provided on the detailed specifications, such as cross sections and finish. These details can have a significant effect on the final appearance of windows but can be secured by planning condition. The type of window proposed would have a similar appearance to the existing windows, and therefore, the proposed windows would reflect and be sympathetic to the age and appearance of the dwelling.
10. Consequently, in this case the use of PVCU would not result in a significant change to its appearance or its contribution to the CA. As a result, the appearance of the dwelling from the highway would not be materially altered. Therefore, the proposal would not harm any feature which contributes to the special interest or significance of the CA, and would preserve its character and appearance.

11. Opposite the appeal site is the Grade II listed 5-11 Water Lane. The significance of this group of dwellings is derived from their age, architectural detailing and relationship as two pairs of similar dwellings fronting the road. The group makes a positive contribution to the significance of the CA. Given the distance between the site and those dwellings, the intervening hedge, and as the proposed windows would be very similar in appearance to the existing, the proposed development would not affect views of the listed buildings or the surroundings in which they are experienced. As a result, the proposal would preserve their setting and the features of special architectural or historic interest which they possess.
12. The Council has raised concerns about the sustainability of PVCU windows, however they are designed to provide a greater level of insulation. This would reduce energy use and the carbon cost of heating the house, as supported by local planning policies. Given my findings above regarding heritage assets, the use of artificial materials does not justify refusing permission.
13. Therefore, the proposed development would preserve the character and appearance of the CA as a whole and would preserve the setting of 5-11 Water Lane. For this reason, the proposal would comply with Policies CS19 and CS22 of the Rutland Core Strategy Development Plan Document (adopted 2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (adopted 2014) which expect development to be sympathetically designed and protect historic assets and their settings; and incorporate features to minimise energy consumption.
14. Furthermore, the proposal would not conflict with the design and heritage policies contained in Chapters 12 and 16 of the Framework.

Conditions

15. In addition to the statutory commencement condition, in the interests of certainty it is necessary to ensure that the development is completed in accordance with the approved plans.
16. In addition, detailed design specifications are necessary in the interest of preserving the character and appearance of the dwelling and CA. These details need to be approved prior to installation of the windows, therefore a pre-commencement condition is necessary. This has been agreed by the main parties.

Conclusion and Recommendation

17. There are no material considerations that indicate that the proposal would be determined other than in accordance with the development plan and for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal.

L McKay

INSPECTOR