



Appeal Decision

Site visit made on 23 November 2021

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/M1005/D/21/3283164

5 Cheapside, Belper, DE56 1FY

- 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 Ms Jenny Raphael against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/0223, dated 24 February 2021, was refused by notice dated 30 July 2021.
 - The development proposed is replacement of existing windows to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed uPVC windows would preserve or enhance the character or appearance of the Belper and Milford Conservation Area (CA) and the Derwent Valley Mills World Heritage Site (WHS), and the effect of the uPVC windows on the setting of nearby listed buildings.

Reasons

Character and appearance of the CA and WHS

3. The appeal property is a two-storey mid terrace dwelling. It is constructed in brick and is of traditional design and appearance, including white painted timber sash windows and detailed cills and lintels. The property forms part of a row of several traditional properties, including No's 11-21 Cheapside which are Grade II listed and of special architectural and historic interest. A large traditional stone wall runs directly opposite the site which adds to the character and appearance of this particular part of the CA and WHS.
4. The property is located in a prominent position on a busy thoroughfare which rises steeply from the direction of No's 11-21. The CA is characterised by a range of residential and commercial uses as well as a mix of building types and styles, with the occasional more modern development integrated into the historic fabric of the surrounding environment.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Furthermore paragraph 189 of the National Planning Policy Framework (the Framework) states that Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally

recognised to be of Outstanding Universal Value. Paragraph 199 of the Framework goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a World Heritage Site, great weight should be given to the asset's conservation.

6. The proposal seeks to replace the existing white painted timber sash windows on the front elevation of the property with wood grain effect uPVC windows. The existing windows have a distinctive pattern formed by fine joinery frames, slender glazing bars and three glass panes per sash, which without doubt contribute positively to the character and appearance of the building as well as the CA and WHS.
7. Although designed to have the appearance of timber, I find that the materials and design of the proposed uPVC windows would be unsympathetic to the traditional appearance of the property. The proposed frames would be significantly thicker than the existing, comprising single glass panes per sash with stuck on glazing bars which would represent a detrimental change in appearance and result in a loss of character.
8. On my site visit I noticed a range of different window designs and materials in the surrounding area, including both timber and uPVC. I do not consider however that the uPVC windows which exist at other properties contribute positively to the character and appearance of the CA. Furthermore, I am not aware of the background to these windows and therefore these installations may be unlawful or have been installed prior to the Article 4 direction coming into effect. In any event, I am required to determine this appeal on its own merits and I do not consider that their presence justifies any further harm being caused to the CA and WHS.
9. Consequently I find that the proposed uPVC windows would result in harm to the character and appearance of the CA and WHS. Whilst this harm would be less than substantial, paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal. Having considered the matters advanced, I do not consider that these amount to public benefits which outweigh the great weight I am required to give to the conservation of the CA and WHS.
10. The appellant has commented that the proposed windows would be more energy efficient than the existing timber windows. However, no evidence has been submitted to suggest that the same could not be achieved via alternative options or with appropriately designed timber windows.
11. The appellant also states that regular maintenance of the existing timber windows is dangerous due to the close proximity to the road. However, whilst acknowledging the presence of the road I am not convinced that the routine maintenance of timber windows could not be undertaken in a safe manner, and this therefore does not justify the proposed windows and the harm that they would cause.
12. The appellant has also commented on air quality in Belper, and that the proposed modern windows would help protect occupiers of the property from any such air pollution. Whilst giving this matter due consideration, it is noted that there is nothing to suggest that the same outcome could not be achieved with appropriately designed timber windows if so desired.

13. Having considered the matters advanced, I do not consider that these amount to public benefits which outweigh the great weight I am required to give to the conservation of the CA and WHS.
14. I therefore conclude that the proposed uPVC windows would not preserve or enhance the character or appearance of the CA and WHS. As a result, the development would be contrary to Saved Policies EN27 and EN29 of the Amber Valley Borough Local Plan (2006) and Policy NPP11 of the Belper Neighbourhood Plan (2019-2028).
15. The guidance contained in the Listed Buildings and Buildings in Conservation Areas Supplementary Planning Document (2007) in relation to the installation of uPVC windows relates to listed buildings and is therefore not directly relevant to the appeal proposal.

Setting of nearby listed buildings

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
17. Although only No's 11-21 Cheapside are referred to by the Council, it appears from the evidence before me that No's 7-9 Cheapside which immediately adjoin the appeal property are also Grade II listed. This results in all properties in the terrace heading downhill from the appeal property being Grade II listed.
18. These listed buildings are all experienced in views of the appeal property from both directions. Consequently, I find that by virtue of their unsympathetic materials and design the proposed uPVC windows would detract from the traditional materials found on these listed buildings, adversely affecting their setting. Whilst this harm is considered to be less than substantial, I do not find that this harm is outweighed by any public benefits of the proposal as outlined above.
19. I conclude therefore that the proposed windows are therefore contrary to Saved Policy EN24 of the Amber Valley Borough Local Plan (2006) which requires, amongst other things, that proposals for alterations to existing buildings within the setting of a listed building will only be permitted where they contribute to the preservation of the listed building and its setting.

Conclusion

20. Therefore, for the reasons given above and having had due regard to the development plan as a whole and all other relevant matters raised, the appeal is dismissed.

David Jones

INSPECTOR