



Appeal Decision

Site visit made on 8 February 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/N4205/Y/21/3278795

3 Hugh Lupus Street, Bolton, BL1 8RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Craig Nuttall against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 10715/21 dated 11 March 2021, was refused by notice dated 01 June 2021.
 - The works proposed are: "Retrospective listed building consent for the replacement of windows to the front and rear and new front door".
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Decision

1. The appeal is allowed, and listed building consent is granted for replacement windows to the front and rear and a new front door at No 3 Hugh Lupus Street, Bolton, BL1 8RU in accordance with the terms of the application Ref: 10715/21 dated 11 March 2021 and Drawing No 2112 PL 200 B.

Procedural Matters

2. The application which forms the subject of this appeal originally sought retrospective Listed Building Consent for the replacement of windows (only) to the front and rear. A replacement new front door was added to the description when a Council Officer visited the site and noticed that a replacement composite door had been inserted on the front elevation. Amended drawings were subsequently requested to include the front door and added to the Council's web site on 6th May 2021.
3. The proposal is retrospective, as the windows and front door have already been installed. I will therefore consider the appeal on the basis of the proposal being for the retention of the works as shown on the submitted plans (Drawing No 2112 PL 200 B).
4. Although different from that stated on the application form, I have taken the description of the works from that described in the decision notice and appeal form as it more accurately describes the proposal.

Main Issues

5. The main issues are the effect of the works on the special architectural and historic interest of the Grade II listed building, and on the character and appearance of the Bank Top Conservation Area.

Reasons

6. At the Statutory level, Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of The Act. Policy CG3.4 of the *Bolton Core Strategy* (CS) reflects the statutory duty.
7. Section 15 of the *National Planning Policy Framework* (the Framework) concerns the conservation and enhancement of the historic environment. Paragraph 199 makes it clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 201 says where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
8. No 3 is the end property in a row of listed terraced dwellings on the western side of the street. Although much changed at the rear, the front of the terrace is relatively unaltered and forms a reasonably unified composition. Nos 3-31 Hugh Lupus Street date from the mid-19th century and are all Grade II listed, as is a terrace of six on the opposite side of the street. The significance of the Conservation Area and its component dwellings derives from its development as a part of a model factory community. As such the associated stone-built residential terraces represent an unusual type of townscape, and can still be recognised as a distinct entity, despite being surrounded by more conventional development.
9. The replacement UPVC windows that have been installed to the rear comprise a French window, 2 No four-paned top opening 'mock' sashes and a small single light bathroom window. To the front elevation the replacement windows comprise 3 No top opening 'mock' sashes and a replacement composite door with a glazed panel.
10. The Council has granted planning and listed building consent (Ref: 8798/20 and 8799/21) for a first-floor rear extension including new UPVC windows and replacement UPVC windows to the remainder of the rear elevation. However, the approved extension has not been built and the windows that have now been installed in the rear elevation differ from the approved permission, specifically the small bathroom window and the ground floor window to the existing single-storey rear projection.
11. In the appeal application the reason for refusal only makes reference to the harmful effect of the front windows and doors, and the Officer report says there is no objection to the windows at the rear where the elevations have been more altered. Significantly however, the Council's statement suggests that consistency in window style and materiality for the whole property would benefit the architectural integrity of the listed building.
12. The *Bank Top Conservation Area Appraisal* says owners should be encouraged to use vertical sliding sash windows with a single glazing bar (4 paned

- windows), and three panelled doors to match the surviving examples at Nos 2 and 20-24 Hugh Lupus Street. It says UPVC windows and doors are not recommended for use on listed buildings and all new windows and should be made of timber, painted not stained, and recessed to the original depth. However, there is considerable variety in the finish, design and material of the other window and door openings within the listed buildings, this is now part of their present character and appearance and that of the Conservation Area.
13. Whilst the overwhelming majority of windows are of timber, many are stained rather than painted and have two large panes rather than the recommended four. The windows that were previously on this property (front and rear) dated from the 1980s and were of stained timber with just two lights, and the Council accepts that there has been some improvement in design in comparison but says the overall thickness of the glazing bars, and the material, detracts from any visual benefit.
 14. The Historic England Guidance '*Traditional Windows, Their Care, Repair and Upgrading (April 2015)*' states that traditional windows and their glazing make a hugely important contribution to the value and significance of historic areas. It says they are an integral part of the design of older buildings, can be important artefacts in their own right, and that surviving joinery should be conserved and repaired wherever possible. However, it is not suggested that the existing timber windows to which this appeal relates form part of the historic fabric of the building or contribute to its significance. They are clearly relatively modern insertions with low evidential value.
 15. I accept that the replacement UPVC windows and door would subtly alter the character and appearance of the listed building and Conservation Area, and it is true that the frames and middle rails have a thicker profile than those of traditional timber windows. However, the contrast in thickness is not marked in this case, and whilst UPVC is not normally discouraged as a material for use on listed buildings, the design of the replacement windows is reasonably sympathetic in this case and the traditional 'horns' and four panes/single mullion are replicated.
 16. The replacement windows will be less visually obvious at the rear, which is a less prominent elevation. Whilst this is correct, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of any proposed changes can be gained. I have taken this consideration into account in my reasoning.
 17. Given the particular circumstances of this case, which include the previous permissions, I favour a pragmatic approach and consider on balance that the windows and door as installed would preserve the special architectural and historic interest of this listed building. For the same reasons they would have a neutral effect that would preserve the character and appearance of this part of the Conservation Area, causing no harm to any of these heritage assets. Therefore, the question of public benefits to outweigh any harm does not arise. As such, I find no conflict with National Policy in the Framework or CS Policy CG3.4.
 18. The Council has not put forward any suggested conditions in the event that the appeal is allowed. It is unnecessary to impose a time-period condition relating to the commencement of works as the works have been completed. A condition

identifying the plans is also unnecessary as these are included within the terms of the decision.

Conclusion

19. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR