

Appeal Decision

Site visit made on 11 April 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/X2410/W/21/3278027

49 North Street, Rothley LE7 7NN

- 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 J Convoy Investments Limited, c/o agent against the decision of Charnwood Borough Council.
 - The application Ref P/20/2377/2, dated 20 December 2020, was refused by notice dated 21 May 2021.
 - The development proposed is retention of uPVC windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is clear from the application form and my site visit that the development has already been carried out. I have considered the appeal scheme accordingly. The description of the development as given on the application form refers to retention of 'upvu windows'. I have corrected this in the banner heading above.
3. I have also dealt with another appeal (Ref APP/X2410/W/21/3288175) on this site. That appeal is the subject of a separate decision.
4. The appellant requested that the appeal be dealt with by way of an informal hearing. However, having considered the criteria contained in Annex K of the Procedural Guide to Planning Appeals, I consider that an informal hearing is not necessary in this case and that the written representations procedure is appropriate.
5. Following the refusal of the planning application, the Rothley Parish Neighbourhood Plan 2020-2028 (the Neighbourhood Plan) was "made" by the Council in June 2021 and it now forms part of the development plan for the area. The main parties have had the opportunity to comment on the implications of this for the appeal and I have had regard to any comments received and to the Neighbourhood Plan in my decision.
6. In reaching my decision, I have also had regard to the revised National Planning Policy Framework (the Framework) issued in July 2021. National policy has not changed as it affects the main issue set out below.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the host property and the Rothley Conservation Area.

Reasons

8. The appeal property is a two storey brick building located on the western side of North Street within a mainly residential area close to the centre of Rothley. The building was formerly used as a public house and is currently in the process of being converted to a restaurant with apartments above and an extension has been added to the south side.
9. The Council indicates that the appeal property is a non-designated heritage asset. However, there is no evidence before me to suggest that the building is on an adopted Local List. Accordingly, I have considered the proposal on the basis that it is not a non-designated heritage asset. Notwithstanding this, the building is clearly of some age and traditional appearance which makes a positive contribution to the Rothley Conservation Area (CA) within which it is located. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
10. The character of the CA is derived partly from the close knit pattern of development within a pleasant village setting, and contains attractive two storey red brick and rendered buildings many of which are set hard-up against the pavement. Whilst there are some modern additions and alterations to properties within the CA, in this location the surroundings of the appeal property strongly reflect the historic origins of the village.
11. The Conservation Area Character Appraisal notes that there is a broad range of window types throughout the CA, but that unfortunately the survival rate of original windows and doors has not been good. It goes on to say that original architectural features make a unique contribution to the character and appearance of the CA and wherever possible should be retained as they add to the collective wealth and variety of architectural details within it.
12. During my site visit I observed that although there are some traditional timber sash windows still in existence in this part of the CA, there are also examples of properties on North Street, and the wider area generally, that have white uPVC windows. However, as I understand it, many of the uPVC windows in the wider area have been installed without planning permission or were granted prior to the current development plan and the Framework. Furthermore, the presence of modern windows elsewhere does not justify development that would be detrimental in the present, but rather accords some importance to preserving that historic integrity which remains.
13. The appeal proposal is for the retention of the uPVC windows at ground and first floor levels which have replaced the previous timber framed windows. Based on the evidence before me, aside from the window above the doorway, the front elevation of the appeal property did not have traditional sliding sash windows prior to the installation of the current windows. However, the previous window frames were in painted timber which provided a relatively traditional appearance which maintained the character of the building and the CA.
14. The proportions and detailing of the new windows, including their bulkier frames, top hung design and their timber effect finish results in a modern and incongruous appearance which detracts from the traditional appearance of the building. Consequently, I find that the proposed uPVC windows do not preserve the character and appearance of the building or the CA.

15. The harm arising from the development is in my view less than substantial. The Framework sets out that great weight should be given to the conservation of designated heritage assets, including Conservation Areas, and that any harm that would result from development should be balanced against the public benefits that would arise. The appellant contends that the retention of the windows will avoid disruption likely to result to the highway and consequent health and safety risks. This is because replacing the existing windows and then maintaining wooden window frames would involve the erection of scaffolding within the footway or the road, leading to closure or traffic diversion on this road which is a bus route. However, any disruption to the highway to maintain the windows would be for temporary periods only and I would further note that uPVC windows also need to be maintained periodically and eventually replaced. It is also put to me that the proposal would enable the appellant to complete the works so that the restaurant can open and the apartments be occupied, with associated benefits to the local economy and the community spirit of the village. However, there is no detailed evidence before me to demonstrate that the development is the only means of achieving these benefits. As such, these factors carry little weight in favour of the proposal. Although the proposal results in less than substantial harm to the CA, this harm is not outweighed by the benefits of the proposal which cannot be accorded significant weight for the reasons identified.
16. For the above reasons, I conclude that the development is harmful to the character and appearance of the host property and has failed to preserve the character of the Rothley CA. The development therefore conflicts with Policies CS2 and CS14 of the Charnwood Local Plan: Core Strategy (2015), saved Policy EV/1 of the Charnwood Local Plan (2004), Policies RO1 and RO3 of the Neighbourhood Plan, the Council's Design Supplementary Planning Document (2020) and the Framework. Amongst other things, those policies and guidance require proposals to be of high quality design which respect and enhance local character, including conservation areas.

Other Matters

17. I have taken account of the letters of support from interested parties. However, I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal.

Conclusion

18. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR