



Appeal Decision

Site visit made on 1 August 2022

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8TH August 2022

Appeal Ref: APP/Y0435/D/22/3297526

10 Cambridge Street, Wolverton, Milton Keynes MK12 5AJ

- 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 Muhammad Farooq against the decision of Milton Keynes Council.
 - The application Ref 21/03286/FUL, dated 27 October 2021, was refused by notice dated 24 March 2022.
 - The development is installation of thermal insulation boards to external walls (retrospective).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development used in the decision notice, which varies slightly from that on the application form, for the purposes of clarity.
3. The insulation has been partly installed and therefore I am considering this appeal retrospectively.

Main Issues

4. The main issue is whether the development would preserve or enhance the character or appearance of the Wolverton Conservation Area.

Reasons

5. The appeal property is a red brick Victorian two storey house typical of the Wolverton Conservation Area (CA), which is a late 19th and early 20th century collection of workers dwellings with generally an uninterrupted uniformity, set within a grid-like pattern of street design. The significance of the CA is defined by this character and historic interest.
6. The CA is also subject to an Article 4 Direction which removes permitted development rights and provides additional control for the planning authority.
7. I noted at the site visit that there were subtle but deliberate variations along Cambridge Street between those dwellings retaining their original features, including variations to window and doorway designs, brick corbelling and stone headers. This also reinforces the strong character of the CA.

8. The appeal property is flanked by a row of similar dwellings, albeit as the External Wall Insulation (EWI) installation had begun, the appeal property already appears very different to its neighbours.
9. Policy HE1 (Heritage and Development) of Plan:MK 2016-2031 (2019) sets out that proposals will be *'supported where they sustain and, where possible, enhance the significance of heritage assets which are recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance'*, this includes CA's. At HE1(E) the policy goes on to state that *'Permission for proposals that cause less than substantial harm to a designated heritage asset will only be granted where the harm is demonstrably outweighed by public benefits delivered by the scheme.'* Finally, the policy states at HE1 (G) *'In assessing any potential harm or enhancement to the significance of a heritage asset(s) the following will be considered: 1. Avoiding successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment.'*
10. Policy D1 (Designing a High Quality Place), Policy D2 (Creating a Positive Character) and Policy D3 (Design of Buildings) of Plan:MK further reinforce the need for development that contributes positively to the character and appearance of an area, maintains the continuity of street frontage and is 'locally inspired' by assets such as CA's.
11. The appeal proposals are for the installation of EWI, which would result in the almost complete coverage of the front elevation of the appeal property, together with the rear and rear side elevations with a rendered finish. The EWI would result in the coverage of the brickwork, together with the stone headers and cills and detailed brick corbelling. The appeal property would therefore lose a significant proportion of what it originally contributed to the significance of the CA.
12. I agree with the points made by the Appellant that where solid wall properties need further insulation there is a clear case for additional insulation to be added in many cases. There is indeed support in the Framework for energy performance improvements to the existing housing stock. However, this is not at any cost. Nor is it the only option available, particularly where such properties are constrained by heritage concerns. Alternatives such as internal wall insulation have the potential to circumvent matters affecting the external character and appearance of properties which form part of a collective heritage asset such as a CA. There is no evidence before me that this was not an option available to the appellant.
13. Paragraph 202 of the Framework requires that where there is less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal.
14. There is clearly a benefit to the appellants in terms of saving money in energy costs, however this is limited to a single dwelling and therefore the weight to be afforded this is limited. Such a benefit does not overcome the less than substantial harm to the CA that I have identified. Further, I consider allowing this appeal would, in my view, set an unacceptable precedent for similar proposals in the CA, leaving the council in a position where they would be unable to resist.

15. In a similar vein, I note from the appellant's statement that some of the properties along Cambridge Street have historically been subject to cladding and painted brickwork. However, these are located further south and indeed may even have taken place before the CA/Article 4 Direction was designated. It is clear to me that the appeal property is flanked by numerous properties along Cambridge Street which have not been altered in this way, and where the uniformity is strong. Moreover, the extent to which the CA has been harmed previously by inappropriate development should not be taken into account, as set out by paragraph 196 of the Framework.
16. I have considered whether a planning condition could overcome the harm I have identified, potentially through the use of alternative facing materials such as brick slips instead of render. However, the permanent coverage of the detail and features of the appeal property through the application of the EWI itself are a fundamental part of the harm.
17. Overall, the proposal would fail to preserve the character and appearance of the Wolverton Conservation Area and I find the proposals contrary to policies HE1, D1, D2, D3 of Plan:MK and the relevant parts of the Framework.

Other Matters

18. The appellant states he was unaware that planning permission was required and that when the application was eventually submitted, he had concerns over the length of time taken by the council to determine the application.
19. I also note that the appellant has highlighted that the removal of the EWI which has been installed so far would be 'very difficult' and that there are insulation screws embedded into the façade that would leave visible holes and damage.
20. Given that this is not an enforcement appeal, it is clear the appellant has accepted that planning permission is required, albeit in retrospect. I am unable to comment on the length of time taken to determine the application, but the option to appeal on the grounds of non-determination was available to the appellant. The fact that the EWI would be difficult to remove is not sufficient justification to allow it to remain in situ.
21. I do not consider these points change my overall conclusion, therefore.

Conclusions

22. The proposed development would not conserve the heritage asset in a manner appropriate to its significance in line with one of the core planning principles of the Framework. Therefore, for the reasons given and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR