



Appeal Decision

Site visit made on 27 July 2022

By K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/G1630/D/22/3299713

Glanhafren 7 Oldbury Road Tewkesbury Gloucestershire GL20 5NA

- 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 Miss Samantha Snape against the decision of Tewkesbury Borough Council.
 - The application Ref 21/01463/FUL, dated 31 December 2021, was refused by notice dated 12 April 2022.
 - The development proposed are replacement windows.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Samantha Snape against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. At the time of my site visit, the replacement windows had been installed. Accordingly the application is retrospective and I have determined it on that basis.
4. Since the appeal has been submitted, the Tewkesbury Borough Plan (Local Plan) has been adopted by the Council. Full weight can now be given to the relevant policies within the Local Plan.

Main Issue

5. The effect of the development on (i) the host property and its significance as a non designated heritage asset and (ii) the surrounding area having regard to its conservation area status.

Reasons

6. Glanhafen, No 7 Oldbury Road, is located within the Tewkesbury Conservation Area (TCA). The TCA is subject to an Article 4 direction restricting permitted development rights. Glanhafen, (No 7) is not a listed building but together with the adjoining semi-detached property, Bronhafen, No 8 Oldbury Road, is of local historic interest and considered by the Council to be a non

designated heritage asset. As the property is located within the TCA, I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 199 of the National Planning Policy Framework (the Framework) requires me when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, in this case the TCA. As No 7 is a non designated heritage asset the Framework also requires me to consider the effect of the proposal on its own significance.

7. Oldbury Road is sited in a part of the TCA where the townscape varies greatly along its length. Whilst there is predominantly a residential use, it is interspersed with commercial uses with associated vehicular parking. The buildings also vary greatly in terms of their quality, age, materials and styles. Nos 7 and 8 are a semi-detached pair of Victorian houses constructed in the rear burbage plot of Auriol House, a Grade II Listed Building. They are believed to have been constructed in the 19th century as part of the remodelling of Auriol House. Their significance is derived from the history of their development, their age, historic association and well designed architectural features reflecting the Victorian heritage of Tewkesbury. They have a design and symmetry which has a positive appearance in the streetscene.
8. The windows as installed have an overly contemporary appearance and do not reflect the origins of the building. They have a thick profile with side hung casements with glazing bars and the thickness of the frames detract from the stone mullions which are an attractive feature of the façade. The finish is shiny and smooth and artificial compared to that of painted timber windows. When opened, as some were at the time of my site visit, the style of framing is noticeably thick with the silver space strip between the glazing readily visible. As such, these characteristics all materially detract from the traditional façade of this building and its contribution to the character and appearance of the TCA.
9. I recognise that in terms of their colour and general appearance the windows are similar to those which have been installed in the adjoining semi detached property, No 8 Oldbury Road. These are black metal windows with flat glazing bars and have the benefit of planning permission, granted retrospectively by the Council. The introduction of metal windows means that the authenticity of the windows has now been lost to the building. However, this does not justify the introduction of an overly modern unmatching material which is otherwise unacceptable. It would appear that the windows in the two properties have not matched for some time and I appreciate that the windows as now installed do achieve an element of similarity in longer views of the building. However this, in itself is not determinative. The use of non traditional materials is inconsistent with the historic and architectural intrinsic features of the building and detract from its character and appearance.
10. The effect on the non designated heritage asset of No 7 is therefore unacceptable and contrary to the aims of the Framework. The effect on the designated conservation asset is similarly unacceptable and so fails the statutory test in the 1990 Act. The development is also contrary to Policies RES10, HER1 and HER5 of the Local Plan and to Policies SD4 and SD8 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy (Core Strategy).

Together these policies require, amongst other matters, development to be of a high quality and to reflect the design and materials of the existing building, and for development to respect the character of the site and its surroundings and to conserve and enhance designated and non designated assets as appropriate to their significance.

11. Given the scale of the development within the TCA as a whole, the harm which arises is less than substantial. Paragraph 202 of the Framework requires where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
12. The appellant has put forward a number of public benefits in support of the development. However there is no information before me to suggest that the windows as installed significantly perform better than well installed and maintained timber windows, which could be double glazed, and which could also meet current energy and thermal efficiency and security requirements. Nor are these works the only way to provide the minor economic benefits cited to the construction industry. I acknowledge that the improvement of the housing stock and general investment in the property is a public benefit but this is not sufficient to balance against the harm which results from the development.
13. In this case the balance lies in the harm to the TCA by reason of the replacement windows not being outweighed by the public benefits. The development has an adverse effect on the character and appearance of the property and the TCA. In doing so it fails to enhance or preserve the TCA. The development causes less than substantial harm to the significance of the TCA and the public benefits identified do not outweigh this harm. The development is also in conflict with Policies RES10, HER1 and HER5 of the Local Plan and Policies SD4 and SD8 of the Core Strategy.

Conclusion

14. For the reasons given and having regard to all other matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR