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# Appeal Decision

Site visit made on 19 July 2022

**by K L Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 August 2022**

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**Appeal Ref: APP/X4725/W/22/3293213**

**Bourbon Street, Hill Top Road, Newmillerdam, Wakefield WF2 6PY**

- 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 Mrs Elizabeth Beharall against the decision of Wakefield Metropolitan District Council.
  - The application Ref 21/01603/FUL, dated 30 April 2021, was refused by notice dated 25 November 2021.
  - The development proposed is the replacement of windows from wood to upvc - same colour.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the development would preserve or enhance the character and appearance of the Newmillerdam Conservation Area (NCA).

## Reasons

3. The appeal property forms the upper floor and rear portion of a stone and render building which sits in a prominent location within a cluster of buildings on the hillside between Barnsley Road (A61) and Hill Top Road above. The building was a former coach house for the nearby Dam Inn. The ground floor is occupied by a hairdresser which has a black painted traditional shop front. The building is typical of this part of Newmillerdam, where they are generally stone built but have a variety of fenestration styles.
4. The appeal property is located within the NCA, the historical significance of which is derived from its development around a corn mill and associated buildings. The buildings have architectural characteristics which give them a strong sense of cohesion and they have notable group value. However, there is no apparently coherent theme or design to windows which presents any specific uniformity, or which adds to the significance of the NCA or buildings within it.
5. It is not clear from the submitted plans what depth and profile the mouldings of the frames would be in proportion to the overall openings. Furthermore, the absence of details, in the form of either scaled sectional drawings or detailed manufacturer specifications, particularly for the bars which would divide the top lights is a cause for concern. It is important that the specific details of replacements are of a design and quality which does not detract from the overall character and appearance of the NCA. The details before me do not give me that comfort.

6. The proposed window frames would be cream in colour. Most buildings in this cluster of buildings have white window frames. There are, nevertheless, a few buildings which have other coloured frames, including those referred to by the appellant which I observed on my site visit. The existing window frames in the appeal property are cream and replacement frames in this colour would, therefore, not look out of place in this location.
7. The existing window frames are of timber construction. However, they are modern replacements which have several failings in their design and appearance, such as the absence of horns, small top lights and having either six, eight or twelve small panes. The proposed replacements would have horn detailing on top casement openings and would be more in line with sash window proportions. Given the extent of variation in the fenestration in buildings within this cluster and the surrounding area, including some examples of uPVC, replacements of this arrangement and design would not look out of place in their surroundings.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA). In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
9. The proposal would introduce a form of development which, given the building's position in the cluster would be prominent when viewed from within the NCA. As such, inappropriately detailed replacement windows would look unacceptable in this context. The harm to the NCA which would arise as a consequence would, nevertheless, be less than substantial.
10. Paragraph 202 of the National Planning Policy Framework (the 'Framework') states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. The existing window frames are in poor condition, are not thermally efficient and that uPVC replacements would require less maintenance. These would be both public and private benefits. However, the public benefits arising would be very limited. Neither the public nor private benefits of the proposal would outweigh the harm that I have found.
11. The proposal would therefore adversely affect the character of the host building and would not preserve or enhance the character and appearance of the NCA. As such it would conflict with DPD<sup>1</sup> Policies D9, D10(d) and D18 which seek to ensure that new development respects the character of the locality. It would also conflict with the aims of Section 16 of the Framework.

## **Conclusion**

12. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*KL Robbie*

INSPECTOR

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<sup>1</sup> Wakefield Local Development Framework Development Policies Document (DPD)