



Appeal Decision

Site visit made on 31 August 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2022

Appeal Ref: APP/H0928/W/22/3299253

The Turks Head Inn, Market Place, Alston, Cumbria CA9 3HS

- 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 Tom Mearns against the decision of Eden District Council.
 - The application Ref 21/0666, dated 20 June 2021, was refused by notice dated 28 February 2022.
 - The development proposed is to replace 4 windows at the front of the property which are too worn to repair (first + second floor).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out on the Council's decision notice differs to that given on the application form, different wording is also provided on the appeal form. I have not been provided with any confirmation that a revised description was agreed. Therefore, I have adopted the description of development set out by the appellant on the application form as this was the basis upon which planning permission was sought.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area, including whether it would preserve or enhance the character or appearance of the Alston Conservation Area.

Reasons

4. The Turks Head Inn is a public house which enjoys a prominent location within the Alston Conservation Area, a designated heritage asset. The appeal site also falls within the North Pennines Area of Outstanding Natural Beauty (AONB). Alston's streetscape is a very strong positive characteristic of the conservation area which retains a high degree of historic authenticity. This is predominantly derived from its well-preserved buildings which utilise local building materials along with traditional methods of construction and historic features, including a variety of timber-framed sash windows.
5. The appellant seeks to replace four timber-framed sliding sash windows, on the principal elevation of the appeal property, with modern uPVC framed double glazed units. Neither party has provided any substantive evidence as to the age of the existing windows, their relative significance as surviving historic features

- or an assessment of their contribution, or otherwise, to the character or appearance of the Alston Conservation Area.
6. Nevertheless, the existing windows appear to be of classic sliding-sash form with a 2-over-2 pane arrangement held in place by slender frames and constructed of traditional materials. In these respects, they are important components of the building which contribute in a positive way to its heritage merit, which in turn, make a positive contribution to the historic character and appearance of the Alston Conservation Area.
 7. With regard to the detail of the appeal proposal, the appellant's submission is absent of any scaled cross-sectional drawings of the existing or proposed window units or any appropriately scaled elevational drawings that would illustrate exactly how the proposed windows would appear in situ. Some limited illustrative details and specifications have been provided in the form of extracts from a window manufacturer's brochure. However, this information shows several different specifications and frame profiles, creating significant doubt over what window design is proposed.
 8. I note the appellant's assertion that the existing windows would be replaced with "four identical uPVC windows". However, the absence of any drawings at appropriate scales, which illustrate the existing units in section and elevation as well as the proposed units in section and elevation, results in uncertainty about whether the proposed windows would accurately replicate the detailed dimensions, profile, positioning and traditional appearance of the existing units.
 9. It is imperative that proposals are accompanied by appropriately scaled drawings and specifications of sufficient detail to illustrate and/or describe the development in order to avoid any uncertainty over the extent of what is proposed, and to allow a robust assessment of any consequent effects. Irrespective of my views over the merits of the case, the lack of drawings and a detailed specification for the proposed window units cast significant doubt over their individual dimensions, composition, glazing arrangement, positioning, and subsequent appearance. This is highly undesirable in general terms, but especially given that the appeal site falls within an AONB and is located in a conservation area, where great weight is given to the conservation of this designated heritage asset.
 10. Even if I were to accept the appellant's contentions that the existing windows are beyond repair and that uPVC alternatives would be more energy efficient, the information provided in relation to the detail of the proposed windows is wholly deficient and ambiguous. This severely limits the ability to make a valid and meaningful assessment of the likely effects of the proposed development.
 11. Furthermore, paragraph 194 of the National Planning Policy Framework (the Framework) requires applicants to describe the significance of any heritage assets that may be affected by a proposal. It goes on to advise that this should be proportionate to the assets' importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise. In this case, no such assessment has been undertaken and insufficient information has therefore been provided to determine the effect of the proposal on the significance of the designated heritage asset. This in itself is a reason to dismiss the appeal. Indeed, given the poor quality and overall deficiencies of the appellant's submission, it is difficult to see how the planning application was ever considered to be valid.

12. Taking the above points together, and mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I cannot be certain that the proposal would preserve or enhance the character or appearance of the Alston Conservation Area. Nor can I reasonably draw any conclusions against policies DEV 5, ENV 3 and ENV 10 of the Eden Local Plan 2014-2032, or the associated requirements of the Framework. Together these policies seek to achieve high quality design; conserve and, where appropriate, enhance the significance of Eden's heritage assets; and, avoid harm to the distinctive character and heritage assets of the North Pennines AONB.

Other Matters

13. In coming to my decision, I have considered whether conditions controlling the details and specifications of the proposed windows could overcome the lack of information in the event that the appeal was to be allowed. However, given the substance of the proposal, this would in effect only serve to defer the decision on the proposal, and so it would be unacceptable to leave this substantive matter to be dealt with by conditions.
14. I note that some properties within the conservation area have installed double glazed uPVC framed windows. Nevertheless, the predominant window type in buildings immediately surrounding the property is that of traditional timber-framed sliding-sash units. In any event, this does not overcome the lack of information provided with the submission and therefore does not provide a justification to allow the appeal.

Conclusion

15. For the reasons given, I conclude that the appeal should fail.

J M Tweddle

INSPECTOR