



Appeal Decision

Site visit made on 11 October 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 NOVEMBER 2022

Appeal Ref: APP/K0235/W/22/3295908

Albany House, Flat 5, 4 The Embankment, Bedford, MK40 3PA

- 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 Bridget Davis against the decision of Bedford Borough Council.
 - The application Ref 21/03127/FUL, dated 30 November 2021, was refused by notice dated 7 March 2022.
 - The development proposed is described as replacement of all existing double-glazed windows and patio doors with Beck/Black Brown coloured high impact, acrylic modified Veka Matrix PVCu profiles reinforced with high quality box section galvanised steel which are BBA and BSI approved. This does not include Velux Windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, with due regard to the location of the site in the Bedford CA.

Reasons

4. The character of this part of the Bedford CA and its significance stems from, amongst other aspects, the arrangement of generously sized and spaced red and yellow bricked-faced houses, often with front gables. The plots generally support substantial properties, set along a consistent building line, a little way back from enclosed frontages. The Bedford Conservation Area Character Appraisal (2008) (CACA) identifies the high level of survival of architectural detailing, including timber sliding sash windows, natural stone dressings and recessed porches as being of particular importance in this part of the CA, and as a whole.
5. With its contemporary design, minimal architectural detailing and large car parking area, the CACA identifies the appeal property as making a neutral contribution to the character and appearance of the CA. Nonetheless, this three-storey block is reasonably prominent as a result of its position on a street

corner and fronting the river, and its building line which is stepped forward from the adjacent almshouses.

6. The appeal property has uniform fenestration across each of the flats on all its elevations. There would be no alteration to the size of the openings, and the replacement windows and doors would replicate the existing pattern and style of fenestration at the appeal property. However, they would be constructed in uPVC frames, and this would introduce a new material finish to the appeal building that does not currently exist. uPVC is a material that has an artificial texture and a more uniform finish, when new and when aging, than painted timber windows. The proposed brown finish of the uPVC windows could be selected to match the colour of the other windows in the building's elevations as far as possible. Nevertheless, as a result of the material and finish, it is likely that it would still be possible to discern them as discordant insertions that appear incongruous alongside the remaining original windows within the elevations.
7. Whilst the appeal property is a contemporary building, efforts have been made to incorporate traditional features, such as gabled bays, and also through the use of complementary materials. In this sense, whilst the windows are not of traditional form, it is likely that timber window frames were originally chosen to reflect window materials used within the CA. Whilst the building is identified as making a neutral contribution to the CA, the fact remains that the proposed alterations would erode the efforts that have been made to ensure that the building assimilates with the CA character.
8. I acknowledge that modern window materials, such as uPVC, have been used on other residential properties in the CA. In this regard the Bedford Conservation Area Management Plan (2011) (CAMP) states that a number of buildings within the CA are suffering from poorly conceived alterations. The replacement of windows with uPVC windows is identified as a particular problem. I have seen nothing of substance to suggest the guidance in the CAMP is misplaced or dated and it supports what I observed. As such, the guidance in the CAMP is a matter of significant weight in my considerations.
9. There is dispute between the parties about the profile of the windows, the thickness of the glazing and where the frame will sit in relation to the external wall. The appellant contends that the profile of the windows will match those in the neighbouring flats, and that further details to demonstrate that the windows will be flush fitting can be dealt with by a planning condition. However, notwithstanding the detailed design, I have found that the removal of the timber windows and doors and insertion of uPVC replacements would appear discordant as a result of the proposed material and artificial finish, noting also the prominent position of the appeal building.
10. My attention has been drawn to a previous approval at Flat, 3, Millbank, 26 The Embankment (Ref: 19/02211/FUL), which allowed the installation of replacement windows and doors to a flat within the Bedford CA. I observed during my site visit that the replacement windows and doors appear at odds to the majority of windows within the building. This increases the prominence of the windows and doors, resulting in a discordant appearance across the building's elevation. I do not consider that this is a form of development which should be replicated within the CA.

11. Of the other examples referred to by the parties, I acknowledge that the appeal decision relating to 5 Rose Street involves a building considered to have historic interest. It is therefore not directly comparable to the present case. Nonetheless, in sensitive historic environments such as this the impact and implications of even small-scale changes must be considered on a case-by-case basis. Similarly, whilst the High Court judgement in the case of *Waveney DC v SoS 5/11/02*, backed an Inspector's conclusions allowing unauthorised uPVC replacement windows in a CA, I am required to reach conclusions based on the individual circumstances of this appeal.
12. For the above reasons, I conclude that the proposed development, due to the materials and finish of the windows would harm the character and appearance of the host property and the surrounding area. It would therefore fail to preserve the character and appearance of the CA as a whole. I therefore find that it would conflict with Policies 29 and 41s of the Bedford Borough Local Plan 2030 (2020). Amongst other aspects, these policies seek to ensure that the historic environment is safeguarded from harm, the value and significance of conservation areas are maintained, and new development is of a high standard of design that respects local character.
13. In failing to preserve the character and appearance of the CA, I find that the proposed development would, in the words of the National Planning Policy Framework (Framework), result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. I note the appellant considers the proposal would be of benefit because it would improve the flat's thermal efficiency whilst helping reduce reliance on fossil fuels. However, I have not been presented with evidence to demonstrate that uPVC windows and doors would perform significantly better than timber-framed windows and doors. As such, I attribute only limited weight to this potential benefit. This does not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Conclusion

14. The proposal would harm the character and appearance of the host property and the Bedford CA. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR