



Appeal Decision

Site visit made on 6 December 2022

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/M2840/W/22/3294835

17 West Street, Oundle, Nr. Peterborough, PE8 4EJ

- 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 George Backhurst against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01785/FUL, dated 7 December 2021, was refused by notice dated 5 January 2022.
 - The development proposed is described as the replacement of existing wood single glazed windows (partly rotten) with UPVC glazed units of almost identical wood-grain finish and design.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The replacement of the windows has already been carried out, affecting four windows at first floor level and one window in the roof in the front elevation of the property.
3. On the original application form the address given for the site address is Tavern House, 19 and 21 West Street. On the Council's decision notice the site location is recorded as 19 West Street. The appeal form lists the appeal site address as 17 West Street which I understand to be the correct address and which I have therefore used in the above heading.
4. The description of development given in section E of the appeal form is different to that given on the original application form. In the interests of succinctness I have used the description from the application form, but I have had regard to the longer description in my consideration of the appeal.
5. The appeal before me relates to the full application, reference NE/21/01785/FUL. An associated application for listed building consent for the replacement of the existing windows was submitted to and refused by the Council under their reference NE/21/01786/LBC, however no associated listed building appeal has been submitted to the Planning Inspectorate. I have therefore determined the appeal against the refusal to grant planning permission for the replacement windows.
6. The appeal proposal affects a Grade II Listed Building located within the Oundle Conservation Area. As such, in determining the appeal I have had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

7. The main issue is whether the development i) preserves the Grade II listed building, 17 and 19 West Street, or any features of special architectural or historic interest which it possesses; and ii) preserves or enhances the character or appearance of the Oundle Conservation Area.

Reasons

Special interest and significance

8. The appeal property is a Grade II listed building which comprises a retail unit at the ground floor with residential accommodation above. The Listing reference is 1039813, 17 and 19 West Street. The building dates from the 17th century and comprises a two-storey property constructed of stone with a steep old stone slate roof. The building's frontage includes three 2-storey canted bays, one window over a carriage door to the right and a single hipped dormer.
9. Pertinent to this appeal, from the submitted images the building's fenestration on the front elevation previously included single-glazed, multi-pane painted timber windows in a mix of Yorkshire sliding sash, fixed and side hung casement forms.
10. From the evidence before me I find the special interest and significance of the listed building to be mainly derived from its historic and architectural interests as a traditional 17th century property. Important contributors in these regards are its age, traditional construction and materials, its form, design and detailing including the use of traditional window materials and proportions. The Appellant contends that the previous windows were installed around 2006 however I have little substantive evidence of this and in any event, from the information before me, the previous windows were of a traditional design, proportions and materials and in these respects, regardless of their installation date, they were important components of the building which contributed in a positive way to its heritage merit.
11. The appeal building falls within the Oundle Conservation Area. The Conservation Area covers a relatively large area incorporating all of West Street, which forms much of its core. The Conservation Area as a whole encapsulates the historic form and street pattern of Oundle and displays a historic and architectural richness including Churches and many fine examples of historic buildings. The appeal property is reasonably central within the Conservation Area and is located on the back edge of the footpath. It occupies a prominent location within the street scene and Conservation Area and the bay windows to both floors result in the windows forming a key feature in the front elevation. Many of the properties in the Conservation Area and along West Street have a traditional appearance and there are a number of listed buildings along this road. A high proportion of the properties along West Street have traditional timber windows and there is a high degree of consistency in the street scene. The properties in this part of the Conservation Area largely demonstrate historic coherence and have a group value which contributes to the significance of the area, and the appeal property has historic value both individually and as part of the street scene.

Appeal development and effects

12. The appeal relates to the replacement of four windows at first floor and one window to the roof of the appeal property. The replacement windows relate to those in the residential element of the building on the front elevation facing West Street. I have been provided with photographs of the previous windows as the new windows have been installed.
13. The replacement windows are very noticeably of a different material than the ground floor windows. Although they have been designed to replicate the previous windows in terms of detailing and general proportions, they are double-glazed, and side hung as opposed to the previous single-glazed, sliding sash windows at first floor level. This has an impact on the frames and glazing bars which are significantly thicker to support the double panes. The different opening mechanism is apparent from the visible hinges which appears at odds with the ground floor.
14. Furthermore, the different dimensions of the frame and the very flat appearance, compared to the depth and detailing of sliding sash windows, the materials and reflective properties of the glass further adds to their discordance. Typically, uPVC windows maintain a uniformed and manufactured finish, which is apparent when seen in the context of the timber windows in the ground floor and surrounding properties. I therefore find that the windows as installed are not almost identical or as authentic as timber windows.
15. The replacement windows which are harmful to such a prominent and important building within the Conservation Area also detract from, and incrementally diminishes the positive qualities of the Area as a whole, which is enhanced by the historic coherence of the buildings within it, and which demonstrates a high proportion of traditional timber windows. When viewed in the context of the street scene and surrounding properties the replacement windows are at odds and appear inharmonious.
16. I note references to rot affecting the previous windows, however I have little before me to demonstrate the extent of the problem nor evidence that they could not be repaired in order to justify their replacement, such as specialist reports. It is not clear from the submitted photographs the extent or specific locations of any rot.
17. In all of the above respects, the new windows appear discordant and out of keeping with the traditional character of the listed building. Furthermore, the windows are noticeably out of character with many of the surrounding windows in the Conservation Area and detract from the quality of the street scene.
18. Taking all of the above considerations collectively, the windows do not preserve, but rather cause harm to the special interest and significance of these designated heritage assets.

Public benefits and balance

19. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting and that this should have clear and convincing justification.

20. Paragraphs 201 and 202 of the Framework advise that in finding harm to the significant of designated heritage assets, the magnitude of harm should be assessed. Given the extent of the development, I find that the harm to the listed building and conservation area to be less than substantial in this instance, nevertheless it is of considerable importance and weight. In these circumstances, paragraph 202 states that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
21. There will have been some economic benefits which would have arisen during the manufacture and installation phase. Additionally, environmental benefits may have arisen through the enhancement of the property's thermal efficiency and reduction in its carbon footprint. In addition, the replacement windows would also have been likely to improve the internal environment of the property reducing the potential for mould and condensation, and the comfort of its occupiers, in turn reducing their heating costs.
22. Some of these would be of private benefit to the Appellant. However, some would go towards meeting the main objectives of the Framework in terms of the environmental aims. These carry weight in favour of the development in the planning balance, however I am not persuaded that similar public benefits could not be achieved by a proposal that would be less harmful to the significance of the designated heritage assets. Furthermore, no compelling evidence is before me which confirms that the optimum viable use of the building would be at risk if the windows as installed were not granted permission. In these respects, the identified harm to the significance of the listed building and the Conservation Area has not been clearly and convincingly justified.
23. Overall, the identified benefits in this case are not sufficient to outweigh the considerable importance and weight that I attach to the identified harm.
24. As such, I find that the development fails to preserve the Grade II listed building, 17 and 19 West Street, or any features of special architectural or historic interest which it possesses and does not preserve or enhance the character or appearance of the Oundle Conservation Area. As such, it fails to satisfy the requirements of Section 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
25. It also conflicts with Policy 2 parts (a) and (b) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) which seek to ensure that proposals conserve and where possible enhance the heritage significance of an asset or assets and complement their surrounding historic environment through form, scale, design and materials, amongst other things.

Other Matters

26. I have been provided with copies of emails between the Council and Appellant initially advising that the replacement windows did not need planning permission and I note the Council's error in not realising the property was a listed building from the outset. I therefore understand and have sympathy with the Appellant's position. However, this is not for my consideration as part of an appeal under section 78 of the Act and is a matter between the Appellant and the Council.

27. The Appellant has noted the comments from the Society for the Protection of Ancient Buildings that if a consent be refused that an option could be to allow the windows to remain for a specific period of time but when replacement is required a notification would be to secure single-glazed timber replicas. However, I have not been provided with a full account or context of these comments and it is not clear if these comments relate to this appeal scheme. In any event, I do not consider this approach to be appropriate as the submitted window specification gives a 20-year guarantee and it would not be acceptable to allow the identified harm to the designated heritage assets for this length of time. Moreover, I would question how reasonable and enforceable such a condition would be.

Conclusion

28. For the reasons given above, and having had regards to all matter raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR