



Appeal Decision

Site visit made on 27 January 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/A2470/W/22/3304770

22 Burley Road, Langham, Rutland LE15 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Hazel Glassford against the decision of Rutland County Council.
 - The application Ref 2021/1129/FUL, dated 1 September 2021, was approved on 14 February 2022 and planning permission was granted subject to conditions.
 - The development permitted is Replacement windows. Detached garage. Addition of 3 no. roof windows to the rear and demolition of rear extension. Paint exterior of dwelling (as existing).
 - The condition in dispute is No 3 which states that: The replacement windows hereby approved shall have a white colour finish.
 - The reason given for the condition is: In the interests of the character and appearance of the conservation area.
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Decision

1. The appeal is allowed and the planning permission Ref 2021/1129/FUL for Replacement windows. Detached garage. Addition of 3 no. roof windows to the rear and demolition of rear extension. Paint exterior of dwelling (as existing) at 22 Burley Road, Langham, Rutland LE15 7HY granted on 14 February 2022 by Rutland County Council, is varied by deleting condition No 3.

Background and Main Issue

2. Planning permission was granted as described above subject to a condition requiring the replacement windows to be finished in white. The reason given for imposing the condition is in the interests of the character and appearance of the conservation area. That condition is disputed.
3. The appeal site is within the Langham Conservation Area and also in a location which is subject to an Article 4(2) Direction having the effect of requiring planning permission to be granted for work specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) before it can be carried out. Such work includes replacing dwelling windows.
4. The main issue is therefore whether the condition is reasonable or necessary in the interests of preserving the character or appearance of the Langham Conservation Area.

Reasons

5. The Langham Conservation Area (CA) covers the majority of the built-up part of a rural village, with archaeological evidence of a settlement dating back to the Neolithic period. There are a variety of traditional properties some dating back to the medieval period. The buildings utilise traditional materials such as limestone, slate and thatch, as well as ironstone and red or buff brick on the later properties. The buildings display a variety of traditional architectural details in a varied pattern of development all set in a rural agricultural landscape. Thus, insofar as is relevant to this appeal, I find the significance of the CA is founded on the variety and quality of the traditional architecture and the historical relationship of the settlement with agriculture.
6. I acknowledge the appeal property is a large dwelling which sits directly adjacent to the Burley Road edge prominently located within the CA. I accept that replacement windows can have a significant impact on the character or appearance of buildings. I also acknowledge that the existing windows which would be replaced are mostly white uPVC.
7. However, the proposed windows would be in a location where there are a variety of windows styles and finishes. Furthermore, the appeal property has been painted white, with the windowsills painted grey. The appellant intends to install anthracite uPVC windows which would match the colour of the windowsills, and this is clearly stated on the approved plans. Moreover, a condition is imposed on the planning permission which requires the approved development to be carried out in accordance with the approved plans.
8. Overall, I find replacing the existing white windows with grey anthracite windows would be in keeping with the character and appearance of the appeal dwelling. Thus, the proposal would not harm the character, appearance or significance of the CA.
9. I therefore find the condition seeking to ensure the windows are white is unnecessary and unreasonable and its imposition is not in accordance with the development plan, particularly Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) which taken together aim to ensure good design and safeguard the character and appearance of an area. I have therefore varied the planning permission by removing the disputed condition.

Conclusion

10. For the reasons given having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR