



Appeal Decision

Site visit made on 8 February 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/Y0435/D/22/3307018

1 Yardley Road, Olney, Bucks, MK46 5DX

- 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 Philip Solt against the decision of Milton Keynes Council.
 - The application Ref 21/03773/FUL, dated 23 January 2022 was refused by notice dated 24 June 2022.
 - The development proposed is for the replacement of existing wooden sash windows with PVC sash windows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is described as "*the replacement of 10 windows (as indicated on the elevation drawings and numbered 1 to 10). NB the side door shown on the East elevation drawing is an internal door. It is not proposed to replace the small basement window (South elevation)*". The local planning authority (LPA) has described it as the replacement of existing wooden sash windows with PVC sash windows. I have used the latter in the banner above as I consider it more adequately describes the proposed development.

The Main Issue

3. The main issue is whether the replacement PVC windows preserve or enhance the character or appearance of the Olney Conservation Area (CA).

Reasons

4. The appeal property lies within the CA which is characterised mainly by two storey dwellings with double pitched roofs with tall chimney stacks and which line the roads, often abutting the highways. On my site visit, I was able to see that some properties in the vicinity of the appeal site have PVC windows (including, amongst others, no's 15,19, and 25 Yardley Road). However, in the immediate vicinity, along the adjacent High Street (A509), among the pre-twentieth century buildings, window frames are mainly wooden and which can be seen easily from the adjoining roads and pavements. The window frames, their design and materials, add positively to the character and appearance of the CA.

5. The evidence indicates that there is an Article 4 Direction in place in the area which removes certain permitted development rights in order to preserve or enhance the character and appearance of the CA. The aim is to protect the heritage significance of the CA by controlling small scale works, including in this case alterations that would individually or collectively erode or cause harm to it. I am unaware of the circumstances relating to those properties which have PVC window frames, but nevertheless I have determined the appeal on its individual merits.
6. The appeal property is set back from Yardley Road and has a front amenity space with a boundary wall and landscaping which limits views of its windows to some extent, though the windows were still easily visible from the public domain, as are those on the gable end and rear of the property. The existing window frames are wooden with mainly glazing bars which divide the openings, though not all have a uniform appearance. Nevertheless, the overall visual effect conforms to the general character and appearance of the CA.
7. The appeal property is not listed, and the LPA raises no objection based on the loss of heritage materials .
8. The proposed replacement windows would use PVC rather than wood. I see no objection in principle to its use as it is possible that it could look identical different to the current wooden window frames. However, I have not seen any window samples, nor do I have before me any details of the window designs including the sizes and thicknesses of window frames or glazing bars, cross sections or methods of opening, other than a general trade brochure.
9. In the absence of sufficient details for the windows, I cannot be certain that the proposed development would preserve or enhance the character and appearance of the CA. I have considered whether these matters could be controlled by condition, but they are central issues that would need clarification before I could be certain that there would be no harm to the character and appearance of the CA.
10. In the context of paragraph 202 of the National Planning Policy Framework 2021 (the Framework), I find that, in the absence of further details, there is potential for harm to be caused to the significance of the CA. I cannot conclude whether there would be harm or indeed whether any harm would be less than substantial. Consequently, it has not been necessary for me to weigh any identified public benefits in the overall planning balance.
11. For the above reasons, I find that I cannot conclude that the proposal would accord with policy HE1 of the Plan:MK (2019) or with chapter 16 of the Framework, both of which aim to protect or enhance heritage assets.

Conclusion

12. For the reasons outlined above, I conclude that, on the submitted details before me, the appeal should be dismissed.

S. Hartley

INSPECTOR