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## Appeal Decision

Site visit made on 3 May 2023

**by Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 May 2023**

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**Appeal Ref: APP/N4205/Y/22/3308122**

**239 Ashworth Lane, Bolton, Lancashire BL1 8RS**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr P Collier of the Collier Property Company against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 13089/22, dated 31 December 2021, was refused by notice dated 5 July 2022.
  - The works proposed are described as "replacement of rotten timber windows to bathroom, rear bedroom and kitchen with new UPVC windows, double glazed to rear of property".
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### Decision

1. The appeal is dismissed, and listed building consent is refused for replacement of rotten timber windows to bathroom, rear bedroom and kitchen with new UPVC windows, double glazed to rear of property.

### Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issue

3. The main issues are whether the proposal would preserve a Grade II listed building, 237 to 243 Ashworth Lane, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Bank Top Conservation Area.

### Reasons

4. The appeal building is a two-storey terraced house, which forms part of a listed group of four. The houses are constructed from coursed stone with slate roofs and brick chimneys. The timber-framed windows to the front elevation of the appeal property have been renewed but sit within the original openings. There are three further windows at the rear. The proposal is to replace the rear windows with double-glazed units and white UPVC frames.
5. The terrace dates from the nineteenth century and forms part of a model factory community that was associated with textile production in Bolton. I find that the special interest of the listed building, insofar as it relates to these

- appeals, to be primarily associated with the form and simplicity of the architecture, which includes the fenestration.
6. The Bank Top Conservation Area includes part of Ashworth Lane, Hugh Lupus Street, Fitzhugh Street and Eleanor Street, which comprise a distinctive group of modest, former factory workers' properties. Although the original model village has been surrounded by more recent development, the historic settlement has retained much of its original character. Given the above, I find the significance of the Conservation Area to be primarily associated with the layout of terraced houses, the architectural details including materials, proportions and symmetry, and its historic associations.
  7. The rear windows subject to the appeal are replacement painted timber, single-glazed casements. The proposed kitchen and bedroom windows would be white UPVC double-glazed units with glazing bars to mimic the four-light sliding sash windows with 'horns' that would have existed originally. The bathroom window would be a single-pane casement.
  8. I appreciate that the appellant has made efforts to minimise any harm resulting from the proposal through a design that seeks to reflect the original sliding sash windows. While the proportions of the openings would be retained, the use of UPVC would be inappropriate as it is a modern material which would not have been in use traditionally. The windows would stand out as a non-sympathetic alteration due to the texture and appearance of the UPVC frames and the thickness and profile of the glazing bars.
  9. The appellant has suggested that the proposal would not harm the listed building or the Conservation Area because the building is not in a prominent position and the windows to be replaced are not widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the building can be gained. The alteration may seem relatively minor, but such changes would be harmful to the historic character of the building as UPVC is a non-traditional material. Moreover, I observed that the proposed changes would be clearly visible from the alleyways that run along the backs of the terraces and thus capable of harming the wider character and appearance of the Conservation Area.
  10. I saw that many of the properties have been altered or extended at the rear, however, this does not indicate that further uncharacteristic alterations would be acceptable. The cumulative impact of non-sympathetic changes would erode the distinctive, historic appearance of the area thus affecting its special qualities.
  11. The appellant argues that several listed buildings in the Conservation Area have had replacement windows, which were approved by the Council or on appeal. I am referred to an appeal decision<sup>1</sup> at No 3 Hugh Lupus Street in which the Inspector considered the UPVC windows, which had already been installed, were acceptable. The Inspector's reasoning took account of previous permissions at that property, but I accept that the issues considered were broadly similar to those before me. The Inspector in that case favoured a pragmatic approach and found no harm had occurred to the significance of the designated heritage assets.

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<sup>1</sup> Ref APP/N4205/Y/21/3278795 dated 23 February 2022.

12. In addition, I have also been provided with details of other approvals at (i) No 15 Hugh Lupus Street (Ref 10593/21), new window to rear extension and a replacement bathroom window; (ii) No 234 Ashworth Lane (Ref 11179/21), replacement rear windows; (iii) No 5 Hugh Lupus Street (Ref 12050/21), new windows to rear extension; and (iv) 15 Hugh Lupus Street (Ref 12731/21), new rear windows.
13. However, as explained above, the special interest of the listed building is derived from the simplicity of its architecture. The traditional windows and glazing make an important contribution to the value of the listed building and consequently the Conservation Area. I saw that many of the windows within the Conservation Area have been altered, but the majority of the replacement windows were timber. The UPVC windows that I saw, including No 3 Lupus Street, stood out as uncharacteristic alterations due to the nature of the modern material used. It is not correct that the alterations are barely discernible.
14. I appreciate that the windows at the rear are not original and there would be no loss of historic fabric, which was part of the Council's reasoning in previous approvals. Nonetheless, the use of UPVC would alter the appearance of the listed building to the detriment of its special interest and would contribute to an erosion in the historic character and distinctiveness of the wider area.
15. The appellant refers to unplanned and inconsistent changes to the elevations of the listed and unlisted buildings and argues that the resulting variety is now part of the area's character. Alterations have occurred but this does not justify the use of a non-traditional material when other, more appropriate designs are available. Opportunities should be taken to enhance the character and appearance of the area, not perpetuate harmful alterations.
16. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the Conservation Area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
17. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of 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 the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the relatively localised impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because of the existing windows would be replaced with thermally efficient UPVC designed to reflect the main features of the original sliding sash windows and reflect others that have been approved in the immediate vicinity. However, there is a viable alternative to UPVC in that painted timber could be used to achieve the same aim. The benefit is not sufficient to outweigh the harm that I have identified. In

the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the Conservation Area.

19. The previous appeal decision and the decisions by the Council are relevant considerations that carry moderate weight. However, this does not outweigh the harm that I have identified.
20. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, 237 to 243 Ashworth Lane, and the character and appearance of the Bank Top Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies CG3 and OA5 of Bolton's Core Strategy (2011) insofar as relevant.

### **Conclusion**

21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*Debbie Moore*

Inspector