



Appeal Decision

Site visit made on 27 June 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/P2935/W/23/3320578

6 Albert Place, Berwick-upon-Tweed, Northumberland TD15 1LW

- 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 Alan Wood against the decision of Northumberland County Council.
- The application Ref 22/04369/FUL, dated 23 November 2022, was refused by notice dated 16 March 2023.
- The development proposed is proposed replacement windows.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Berwick-upon-Tweed Conservation Area.

Reasons

3. The appeal site is located within the Berwick-upon-Tweed Conservation Area (CA). There is a densely built-up pattern to much of the development within the CA with many terraced rows of properties. Many buildings within the CA are traditionally designed with the building materials of stone, painted render, roof slates and red roof tiles all being well represented. There are landmark buildings and features within the CA such as Berwick Town Hall and the Berwick Town Walls. This pattern of development, the traditional and landmark buildings together with the common use of certain traditional and distinctive building materials contributes positively to the character and appearance of the CA and its significance.
4. 6 Albert Place is an upper floor flat within one of two terraced rows of properties which, together, form Albert Place. The properties within the terraced rows are served by larger front gardens and smaller rear yards. Between the two terraced rows there is a parcel of open green space. Each terraced row is traditionally designed with walls constructed of stone. The terraced row containing No 6 has a roof predominantly covered with red roof tiles whilst the other terraced row has a slate roof covering. Most but, not all windows within the properties on Albert Place are constructed of brown coloured timber. There is more variety in the appearance of the doors but, several are brown like many windows. Most properties on Albert Place have a flat roofed rear outrigger finished largely in pebbledash. Owing to each terraced row being laid out in a similar arrangement adjacent to the open space and owing to the similarities in the design and material finish to the properties

there is a strong degree of consistency in the appearance of the two terraced rows. This strong degree of consistency subsists despite alterations having taken place previously including the replacement and bricking up of some windows and doors within the properties. As a traditionally designed property which forms part of a pair of terraced rows which are constructed of stone, slate and red roof tiles, I find that the host property is very reflective of the form and appearance of buildings that are prevalent within the CA as a whole. Together with the consistency exhibited in the appearance of Albert Place, for these reasons, the host property and Albert Place as a whole contributes positively to the character and appearance of the CA and its significance. In coming to this view, I acknowledge that Albert Place is located beyond the historic Berwick Town Walls.

5. I acknowledge that existing windows within Albert Place are not all original. This extends to the host property which incorporates a combination of brown and white coloured windows. Despite this, I have nevertheless identified that there is a prevailing appearance to the existing windows within Albert Place and this contributes to the design cohesion exhibited by the terraced rows. I further acknowledge that some single glazed timber windows within Albert Place may have been replaced with double glazed timber windows following a previous grant of planning permission¹ and, as a result of that planning permission, further properties could install double glazed timber windows. However, being UPVC, the windows proposed would be of a different material to those within the host property, elsewhere within Albert Place and the subject of that previous planning permission. Although UPVC windows vary in design and appearance, they can, amongst other matters, incorporate a different frame thickness to their timber counterparts whilst the extent to which any timber effect finish successfully emulates timber itself can also vary. I acknowledge that particular UPVC windows within the "residence collection" have been identified and, it is put to me that these would be a close replica to wooden windows and appropriate to an area the subject of an Article 4 Direction. However, I have very limited detail before me on the precise appearance of the proposed windows nor, therefore, substantive evidence that the proposed windows would be of high quality which would be sympathetic to the host property and Albert Place as a whole.
6. Given that the proposed window material would be at odds with that which prevails at Albert Place, the windows previously granted planning permission and, given the absence of compelling evidence of the precise design of the proposed windows, I find that the proposed replacement windows would not be sympathetic to the host property nor Albert Place. The proposed windows would result in an erosion of the design cohesion currently exhibited at Albert Place. As the host property and Albert Place make a positive contribution to the character and appearance of the CA, in failing to be a sympathetic alteration to the property and the terraced rows, it follows that the proposed replacement windows would also fail to preserve or enhance the character or appearance of the CA. The harm to the designated heritage asset would be less than substantial. Having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm to the designated heritage asset would be a matter of considerable importance and weight.

¹ Planning application reference 14/04260/FUL

7. In coming to this view, I acknowledge that there are other properties within the area which do not contain timber windows. I viewed examples of these during my site visit and specific examples have been drawn to my attention by the appellant. However, there are also many timber windows within the surrounds of the appeal site. I find that the use of UPVC or other non-timber window materials is neither a prevailing characteristic of the area nor one which makes a positive contribution to its significance. In some instances, those properties which utilise other window materials are, unlike the Albert Place properties, not traditionally designed. For these reasons, that there are properties within the area with non-timber windows does not weigh in favour of the appeal proposal.
8. The appellant has also submitted that the existing timber windows within the host property do not meet current standards, are not effective at conserving energy and vary in condition with one window, amongst other matters, identified as being rotten. The appellant further submits that other timber windows, shopfronts and building fascia within the area are also in a poor condition or appearance. However, even if I were to accept that the condition of some windows within the host property was poor and does not meet current standards or efficiencies, it has not been shown to me that the replacement with the UPVC proposed is the only option and that the existing windows could not be replaced with other timber windows or even repaired and modified. I also acknowledge that timber windows may be more expensive and may require more maintenance than the UPVC windows the appellant has identified as replacements. However, and as set out in the National Planning Policy Framework (the Framework), any harm to a designated heritage asset requires clear and convincing justification. I find that the justifications put to me in this case are, in this context, insufficient.
9. Consequently, for the reasons given, the proposed development would fail to preserve or enhance the character or appearance of the Berwick-upon-Tweed Conservation Area. The proposed development would be contrary to Policies ENV7, ENV9, QOP1 and HOU9 of the Northumberland Local Plan 2016-2036, adopted March 2022. In summary, and amongst other matters, these policies seek to ensure that development is visually attractive, incorporates high quality materials and detailing, is complementary to the host building, conserves and enhances the significance of heritage assets and reinforces the local distinctiveness of conservation areas.
10. I have identified that the harm to the CA has not been clearly or convincingly justified whilst no public benefits have been put to me which would outweigh the less than substantial harm to the significance of the CA. The proposed development would, therefore, also be contrary to advice contained within the Framework.

Other Matters

11. The appellant highlights to me the low level of public representation and objection to the proposed development. However, the limited submission of representations does not in itself render the scheme appropriate nor overcome my concerns.
12. Whether or not the appellant's letter of support in relation to the scheme was uploaded onto the planning portal has no bearing on the merits of the case but, in making my determination, I have had regard to its content.

Conclusion

13. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR