



Appeal Decision

Site visit made on 25 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/M9496/W/22/3313446

The Moon Inn, High Street, Stoney Middleton, Derbyshire S32 4TL

- 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 David Duroe against the decision of Peak District National Park Authority.
- The application Ref NP/DDD/0522/0632, dated 9 May 2022, was refused by notice dated 24 June 2022.
- The development is replacement windows.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have not included the full description of development from the planning application form in the banner header above as it makes reference to the proposal being retrospective and that is not in itself an act of development. However, I was able to see on my site visit that the windows have been installed and therefore I have determined this appeal on the basis that it is a retrospective development.
3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Stoney Middleton Conservation Area (CA).
4. The Planning Practice Guidance (PPG)¹ advises that there are a number of processes through which non-designated heritage assets (NDHA) may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. The PPG further states that it is important that decisions to identify a NDHA are based on sound evidence.
5. Although the Authority states that the appeal property is a NDHA, it has provided no information as to how it was identified as such, or details of the sound evidence on which the decision was based. Given the uncertainty that this creates as to the status of the building in this regard, I have not treated it as a NDHA in determining this appeal.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the host building and the CA.

¹ Paragraph: 040 Reference ID: 18a-040-20190723

Reasons

7. The appeal property is prominently located on the corner of High Street and the A623, on the approach into and out of the settlement. It is an imposing building and is faced in render with a slate roof. It sits in an attractive part of the CA, the significance of which is formed by historic buildings arranged along the A623 and the roads that lead from it. The front elevation on which the new windows have been installed is at various points framed in views with the village cross which is located outside the public house, the traditional shopfront of the former farm shop opposite and the traditional cottages with their sash windows located along The Nook. As a result, the front elevation of the appeal property makes an important contribution to the character and appearance of the CA and its significance.
8. The drawings and information provided with the appeal submission suggest that the new windows that have been installed have replaced traditional timber sash windows that had nine pane glazing patterns. These would have been more typical of the style and material of windows originally found on buildings in the CA. In particular, this means that the now replaced windows had small individual glazing panes which were more consistent with those of the aforementioned farm shop, the cottages on The Nook and with the shopfront of the hairdressers located on the other side of the A623. Although the previous windows were not finished in a traditional colour, they nonetheless were of a design and material traditionally found in the CA.
9. The seven new windows that have been installed are UPVC units with one transom running across which separates two large glazing panes, and a top-hung opening top section. They are anthracite grey in colour which is not a window colour predominantly found in the CA and they are of a modern appearance, appearing as unremarkable and bland non-traditional features on the prominent front elevation of the building. This impact is accentuated when the windows are opened, because they open outwards from the top and not in the manner of traditional sash windows.
10. The appellant makes reference to other windows on the appeal building which are UPVC. This includes windows on a single storey side extension which is clearly visible in the street scene. Some details have been provided in terms of the approval by the Authority of a UPVC window towards the rearmost part of the building, but no details are provided with regard to the circumstances of how and when the other windows on that elevation came about. But irrespective of this, the windows on the side elevation are as a whole much less prominent within the street scene, due to their set back from the road. They are not therefore comparable in their impact, or in the harm they cause, in comparison to the UPVC windows that have been installed on the front elevation of the building.
11. There are properties near to the appeal site which appear to have had UPVC windows installed. Again, I have no details as to how these windows came to be present on the buildings in question but, where they do exist, they are readily noticeable as non-traditional in their material. As such, they generally can be said not to have preserved or enhanced the character and appearance of the CA. Furthermore, in many cases they have attempted some replication of traditional sash casements and glazing bars and patterns, and therefore in

any event are not comparable in their impact to the windows subject to this appeal.

12. The replacement windows that have been installed have, in the context I have set out and by reason of their use of a modern material, their colour, their design and their prominent location, resulted in harm to the character and appearance of the host building and the CA. Given the nature of the development and that the harm is localised, I consider that less than substantial harm to the CA has been caused. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that has arisen to the CA, in accordance with Paragraph 202 of the National Planning Policy Framework (The Framework).
13. In that respect the appellant states that the new double glazing provides increased sound insulation for neighbouring properties. However, there are no details before me as to the extent of noise and disturbance issues that have historically arisen or the degree to which the new windows have reduced these, or why any noise reduction could not have been achieved with windows of an appropriate design and material for the location. Likewise, there is nothing to demonstrate why any thermal benefits could not have been achieved with alternative windows. These considerations therefore carry only limited weight as potential public benefits.
14. Furthermore, it is advised that the render and window surrounds were repainted when the new windows were installed, which in the appellant's view has greatly enhanced the front of the property. Whilst there is a public benefit in terms of improving the appearance of the building, these operations are general acts of maintenance and I have not been made aware as to why their undertaking was dependent on the installation of UPVC windows. It is also stated that the previous windows were of a poor timber construction, painted dark grey with single glazing and in need of replacement, but this too does not justify the use of UPVC as a material. These considerations do not therefore carry weight in favour of the development.
15. The harm to the CA means that the statutory duty to preserve or enhance its character or appearance set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has not been met. Furthermore, the harm that I have found has arisen to the designated area is a matter which carries considerable importance and weight. Therefore, whilst there may potentially be some limited public benefit in terms of sound and thermal insulation, this does not outweigh the harm to the CA that has occurred.
16. For these reasons, I conclude that the development has caused harm to the character and appearance of its host building and the CA. Consequently, it fails to accord with Policies GSP1, GSP3 and L3 of the Core Strategy Development Plan Document 2011 and Policies DMC5 and DMC8 of the Development Management Policies 2019, where they collectively seek to protect character and appearance and designated heritage assets. There is also a conflict with The Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.

Other Matters

17. The Stoney Middleton Parish Council raised no objection to the replacement windows. However, this does not justify the permitting of a development that causes the harm that I have found.
18. The appellant states that the removal and replacement of the installed windows would be costly and have a negative impact on the business in an already struggling hospitality industry. Whilst I am sympathetic to this concern, it also does not justify the retention of a development that has caused harm to the character and appearance of both the building itself and the CA.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR