



Appeal Decision

Site visit made on 25 July 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2023

Appeal Ref: APP/K0235/D/23/3318897

33 Lansdowne Road, Bedford, MK40 2BY

- 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 Bernard against the decision of Bedford Borough Council.
 - The application Ref 22/02424/S73A, dated 4 November 2022, was refused by notice dated 28 December 2022.
 - The development is replacement conservation style UPVC sash windows, and repairs to inner piers on porch including white render finish.
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Decision

1. The appeal is allowed and planning permission is granted for replacement conservation style UPVC sash windows, and repairs to inner piers on porch including white render finish, at 33 Lansdowne Road, Bedford, MK40 2BY, in accordance with the terms of the application, Ref 22/02424/S73A, dated 4 November 2022, and the plans submitted with it.

Background and Preliminary Matters

2. I understand that in 2008, planning permission was granted to change the use of the appeal property from part of a former college campus, back to its original use as a residential dwelling. A condition of that planning permission removed permitted development rights for the replacement of windows. I have not been provided with a copy of that planning permission or of any further details of it, such as if the windows were changed as part of that development (as suggested in its description) or of the justification as to why a condition removing permitted development rights was necessary or relevant to the development permitted. I have also not been made aware of any Article 4 direction being in place, removing permitted development rights for other similar alterations to other buildings in the CA.
3. The development for which planning permission is sought has already been completed. Following the submission of this appeal, planning permission was granted on 14 April 2023, for replacement conservation style UPVC sash windows to the rear and side elevations only, and repairs to inner piers on porch including white render finish. As such, the reasoning in this decision focusses primarily on the replacement windows that have been installed in the front elevation of the appeal property.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Bedford Conservation Area (CA).

Reasons

5. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The site is identified within the Bedford Conservation Area Character Appraisal (BCACA) as falling within character sub-area 8 'The Poets'. The appeal dwelling is a late 19th century semi-detached house of positive merit that contributes towards the historic and architectural interest and significance of the CA.
7. The new sash windows in the front elevation, despite being UPVC and double glazed, have a slim frame, narrow moulded glazing bars and horn features. They replicate the form and appearance of the windows they replaced and also match the form and appearance of the windows in the adjoining property. Whilst the material is different, the appearance is not, and the new windows therefore have a neutral effect, which preserves the traditional appearance of the building and its contribution to the CA.
8. Although there is no evidence to suggest that the former timber windows were not original or that they were beyond repair, there is no policy requirement for this, and it is clear from the photographs provided that they were in poor condition. The building is not a designated heritage asset in its own right, and the new windows are of a high quality, which preserves the appearance of the CA. Replacing the windows with new timber framed units would not retain historic fabric.
9. The evidence before me suggests that due to advances in technology, the discolouration of new high quality UPVC window products no longer occurs. In any event painted timber frames also discolour and deteriorate, and UPVC frames can now be painted.
10. The purpose of removing permitted development rights is to enable changes to be managed rather than prevented. Whilst I appreciate the Council's desire to encourage the use of traditional timber, the statutory duty is to either preserve or enhance the character or appearance of conservation areas. The BCACA recognises that the use of UPVC is not uncommon in this area.
11. I observed during my visit that windows in surrounding properties vary in terms of style, material and colour. Walking around the area, whilst some window frames were obviously timber and some were very obviously UPVC, I was unable to identify the material of some windows from the street. Indeed, I was unable to tell from standing on the pavement directly in front of the appeal property that the new windows were UPVC. They appeared very similar in appearance to those in the immediately surrounding properties and due to their high quality do not in any way reduce the positive contribution that the property makes to the CA as a whole.

Accordingly, I conclude that the development does not harm the significance of the designated heritage asset, and that it therefore preserves the character and appearance of the CA. As such, there is no conflict with Policy 41S of the Bedford Borough Local Plan 2030 (2020), which sets out the requirements for developments that affect heritage assets.

Other Matters

12. The Council's report refers to other appeal decisions relating to UPVC windows within the CA, which have been dismissed, and the appellant has referred me to similar appeals that have been allowed. However, I do not have the details of these cases or the individual circumstances surrounding them. I have determined this case based upon its own merits.

Conditions

13. As the development has already been completed in accordance with the submitted drawings and details, no conditions are necessary.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR