
Appeal Decision

Site visit made on 25 October 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/X3540/D/23/3329800

10 Scales Street, Bungay, Suffolk, NR35 1EA

- 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 Gramlick against the decision of East Suffolk Council.
 - The application Ref. DC/23/2187/FUL, dated 1 June 2023, was refused by notice dated 11 August 2023.
 - The development proposed is replacement windows to front of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Bungay Conservation Area.

Reasons

3. The appeal dwelling is located at the edge of Bungay Conservation Area. It forms one of a small group of buildings within Scales Street, only some of which are included in the conservation area. Standing opposite a postal building and next to open car parks, the group make a positive contribution to the character and appearance of this part of the conservation area. There is an Article 4 Direction in place which amongst other criteria removes Permitted Development rights to make alterations to an elevation fronting a highway. In addition, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions.
4. The appeal property has grey painted, multi-light, single-glazed timber sash windows with narrow glazing bars. Although there is hedging along the front boundary, the first-floor windows are clearly visible above the vegetation, and there are glimpses through to the ground-floor openings.
5. Although no condition report has been provided, the appeal statement includes photographs showing the poor state of the existing windows, and this was evident at the appeal site visit. Whilst the appearance of the windows may be improved by re-painting and repair, there are elements of obvious rot and ill-fitting frames. At the time of the mid-afternoon site visit, there was visible condensation on all the ground-floor windows.

6. The Bungay Conservation Area Appraisal and Management Plan 2022 (CAAMP) identifies the appeal property as within the Outney Character Area, as part of an interesting group of early twentieth century buildings. I acknowledge that No.10 is not mentioned in its own right but it is marked as a Positive Building on the accompanying plan to the character area analysis. The CAAMP identifies that in parts of the Bungay Conservation Area historic window frames have been lost and window openings altered much to the detriment of the Conservation Area and to the individual buildings themselves. The Management Plan notes the harm which may arise from the inappropriate use of modern materials and details, and that the use of plastic and aluminium windows and doors should be avoided (page 101).
7. The parties agree that the existing windows are not original, having been installed following the issue of Building Regulations consent in 1986. As such, they are not part of the historic fabric and do not possess historic interest. Paragraph 10.27 of the 'Historic Environment' Supplementary Planning Document 2021 (SPD) confirms that, where windows proposed for replacement are modern replacements, the principle of so doing is acceptable, subject to design. I agree with the appellant, that the requirement at SPD paragraph 10.26 to allow for replacement only where it can be shown by a skilled craftsperson experienced in historic windows that they are substantially beyond technical repair, is not relevant; read in conjunction with SPD paragraph 10.25, that requirement only applies to the replacement of original, old or rare historic windows.
8. The principle of replacement therefore being acceptable, Policy WLP8.39 of the East Suffolk Council Waveney Local Plan 2019 (LP) states that in areas where Article 4 Directions are in place, proposals for replacement doors and windows in conservation areas must be of a suitable design and constructed in appropriate materials. The SPD expands upon this, and is clear that the use of UPVC windows will only be supported when a window does not face onto a public thoroughfare or open space and so does not impact upon the appearance of the conservation area (paragraph 10.7). 'Suitable design' can include the use of slimline sealed units that permit the use of solid glazing bars (SPD paragraph 10.27).
9. The proposed windows would be similar in style to the existing, but would not have the delicacy of the existing framing and glazing bars, nor the natural finish of timber. The latter would be particularly obvious on the solid lower panel to the replacement door. I note the aim to benefit the conservation area by ensuring the longevity of the building and reducing its maintenance needs, but this must be offset against the more permanent adverse visual impact of PVCu within an historic setting. I agree with the appellant that a building of this age is at risk of deteriorating condition if action is not taken, but there are other means of prevention. In acknowledging that windows are replaceable features with a limited life span, there is nevertheless a requirement to ensure that any replacement materials are appropriate.
10. There are clearly some buildings within the conservation area which have windows of manmade materials; these are obvious in their finish and appearance, and distinct from neighbouring timber windows. However, no information has been provided to indicate whether or not these required or obtained express planning permission, and they therefore offer limited support for the proposal.

11. I can appreciate that the condition of the existing windows means that they are thermally inefficient and give rise to damp, but there is no evidence supplied to indicate that these non-original windows could not be replaced in materials more sympathetic to the location in a conservation area.
12. I therefore conclude that the proposal would not preserve or enhance the character or appearance of the conservation area, contrary to the statutory duty, LP Policy WLP8.39, which requires development within such areas to be of a particularly high standard of design and materials, and the SPD.
13. In the context of paragraph 202 of the National Planning Policy Framework (the Framework), I consider that the proposal would lead to less than substantial harm to the significance of the Bungay Conservation Area. Nevertheless, the Framework requires this harm to be weighed against the public benefits. More thermally-efficient windows that would reduce energy loss and damp would contribute to the environmental benefit of mitigating and adapting to climate change. This is a public benefit of some weight, but as improvements could be secured using more sympathetic materials, this would not outweigh the identified harm to the heritage asset. The personal benefits of reduced energy costs and improved health and well-being for residents are also matters of weight, but again, would not justify the replacement windows in the form proposed.
14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR