



Appeal Decision

Site visit made on 11 October 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023

Appeal Ref: APP/W3710/W/23/3320827

115 Earls Road, Nuneaton, Warwickshire CV11 5HP

- 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 Miss Harley Taylor against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 038890, dated 13 May 2022, was refused by notice dated 14 February 2023.
 - The development proposed is upgrade single glazed timber windows in front bay windows to uPVC double glazing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form states that works were completed to upgrade single glazed timber windows in front bay windows to uPVC double glazing on 10 May 2022, prior to the submission of the application. At my site visit I saw that the windows had been replaced with uPVC windows on site. However, as I cannot be certain that what has been replaced is fully in accordance with the plans before me, I have assessed the development as shown on the plans.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Abbey Conservation Area.

Reasons

4. The appeal site comprises a semi-detached traditional style dwelling, located in the Abbey Conservation Area (CA). The significance and special interest of the CA is mainly drawn from its architectural and historic interest.
5. The CA is located to the northwest of Nuneaton town centre and stretches across Earls Road. The dwellings on Earls Road within the locality of the appeal site are mainly traditional semi-detached properties displaying a high degree of consistency in form, scale, materials and building lines. They are mostly set back from the road with shallow front forecourts enclosed by brick boundary walls.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.

7. The principal elevation of 115 Earls Road (No 115) is a traditional red brick semi-detached dwelling designed as part of a reflected pair with projecting two-storey bays beneath a gable feature. The overall materials and detailing of the property mean that it has a strong historic identity and makes a positive contribution to the character and appearance of the CA. In particular, the projecting bay windows with a flat front and angled sides, form a key identifiable feature of this property.
8. The development's use of uPVC double glazing has introduced modern materials in what is largely an intact historic property that is recognised in the Council's Abbey Conservation Area Appraisal and Management Plan Supplementary Planning Document (2022), as being 'significant' within the CA. Whilst the replacement uPVC windows have a woodgrain effect, they do not fully replicate the appearance of timber-framed windows and lack fine detailing. The frames of the uPVC windows also appear notably thicker than the thinner timber-frames, and have a flat, uniform appearance.
9. Therefore, the development detrimentally alters the appearance of the principal elevation of No 115 by not replicating the proportions of the slender frames or detail found in timber-framed windows, which I observed at other properties with timber windows within the immediate locality. Accordingly, the development appears incongruous and diminishes the character of the principal elevation of No 115.
10. Although there are properties in Earls Road that have retained their original timber-framed windows, the use of uPVC is evident in the street-scene. I also note that the neighbouring semi-detached property (No 117) has replacement uPVC windows and I observed others in the locality. However, there is insufficient evidence before me to indicate that windows in other properties have been granted planning permission to change timber windows for uPVC windows. Therefore, it is not clear to me whether these replacement windows were granted planning permission or not. In any event, I have determined this appeal on its own individual merits having regard to the particular characteristics of the appeal site.
11. For the reasons given above, the development would fail to preserve or enhance the CA. As such, it would harm the significance of this heritage asset. Paragraph 199 of the National Planning Policy Framework (Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
12. I would qualify that the degree of harm to this heritage asset would be less than substantial. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
13. The development would provide some public benefits including improved energy efficiency and the associated improvement to the living accommodation. However, this could also be achieved by windows that were designed to pay attention to their aesthetic and historic context.
14. While I note the appellant considers the uPVC windows are easier to maintain and would provide improved security and noise reduction benefits, I have not been presented with evidence to suggest that the uPVC windows would perform significantly better than timber-framed windows. I consider the use of uPVC

would be likely to accrue to private interests rather than being wider public benefits.

15. Therefore, I do not find that the limited public benefits would outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset.
16. Consequently, the development would fail to preserve or enhance the character or appearance of the CA. The development would therefore fail to accord with Policies BE3 and BE4 of the Nuneaton and Bedworth Borough Plan 2011-2031 (2019). Collectively, these policies, amongst other things, seek to ensure development contributes to local distinctiveness and character, and sustains and enhances the borough's heritage assets, including conservation areas. In addition, the development would not accord with the policies of the Framework (Section 16), which seek to conserve and enhance the historic environment.

Other Matters

17. I note the personal circumstances of the appellant and the confusion following their house move. Whilst I have sympathy for their situation, I have determined this appeal on its own individual merits having regard to the particular characteristics of the site and have found no factors that would outweigh the harm I have identified.
18. Concern has been raised regarding the Council's handling of the application process. Nevertheless, that is not a matter for my consideration.
19. I note the letters of support. However, none of the evidence before me leads me to a different view.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR