



Appeal Decision

Site visit made on 3 October 2023

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/Y3940/W/23/3320217

3-4 New Road, Chippenham SN15 1EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr N Islam against the decision of Wiltshire Council.
 - The application Ref PL/2021/11145, dated 25 November 2021, was approved on 9 February 2023 and planning permission was granted subject to conditions.
 - The development permitted is Replace windows.
 - The condition in dispute is No.3 which states that: *The new window frames shall be constructed of aluminium and, notwithstanding the approved plans, the windows shall be 'Flat' Sashes as specified on Page 7 of Manufacturers specification 'VS Plus Sash – Section Identification Guide Received 14.12.22.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My formal decision uses the description of development as set out on the application form as neither party has provided written confirmation that the revised description on the decision notice has been agreed.

Background and Main Issue

3. The planning application as originally submitted sought consent for the replacement of the existing windows to the appeal property with UPVC windows. However, during the course of the planning application, in response to concerns from the Council regarding the use of UPVC materials, the appellant submitted revised details proposing slim-line aluminium frame sash windows. As a result of the change of materials, the planning application was approved subject to Condition No.3 securing the use of slim-line aluminium sash windows.
4. The appellant opposes the reasoning for the Council's concerns regarding the use of UPVC materials, particularly in light of the cost of replacing the existing windows with aluminium framed windows and presence of other properties in the vicinity with UPVC windows.
5. The reason for Condition No.3 states that it is for the avoidance of doubt and in the interests of proper planning. From the Council's Delegated Report, this relates to protecting the character and appearance of the host building, Chippenham Conservation Area (CA) and the setting of nearby listed buildings.

6. In light of the above, the main issue is whether the condition is reasonable and necessary having regard to the effect on the character and appearance of the appeal building and Chippenham Conservation Area (CA), and on the setting of nearby listed buildings.

Reasons

7. The appeal property comprises a three-storey stone faced building with business units at ground floor and offices above. The building has a strong and prominent presence on New Road comprising sliding sash aluminium windows with narrow frames that are fitting for the age and design of the building. Despite the odd exception, the majority of buildings to this part of New Road benefit from timber sash windows.
8. The property is located within the CA with the Chippenham Conservation Area Appraisal (2007) (CAA) describing the area as primarily retail, with buildings dated from the early 19th century onwards. The CAA highlights the appeal site's 'bland and monolithic' appearance which is typical of mid-century construction. The significance of this part of the CA derives from its location on approach to the town and railway station and use of stone facing materials, rhythmic window spacing and use of timber sash windows with typically slim frames.
9. The appeal building is located in very close proximity to Grade II listed buildings forming No's 1-2 New Road (List Entry Number: 1267977), The Black Horse Public House on New Road (List Entry Number: 1267955), The Baptist Church and attached Walls and Piers on Station Hill (List Entry Number: 1267924), and No's 1-7 (consecutive) and Ruskin Cottage 1-7 St Mary's Place (List Entry Number: 1267921).
10. These buildings were constructed in approximately the mid-1850's following the arrival of the railway. They comprise multi-pane timber sash windows reflective of their period of construction. Thereby their significance and special interest is in their architectural design, including the use of timber windows, and their relationship to the railway and nearby buildings constructed at a similar time denoting the development of the town.
11. There is a further Grade II listed building at No.19 The Bridge (List Entry Number: 1267926) but given the distance and buildings in between, the appeal building is not within the setting of No.19.
12. Although I acknowledge the presence of UPVC windows to the upper floors to No.5 New Road and to other nearby buildings, most windows in this part of the CA and to the listed buildings near to the site comprise timber sash windows with narrow frames in keeping with the age and original design of the buildings and area. This is supported by the CAA that states that windows in the area are predominately painted timber sashes, but with a few inappropriate modern UPVC replacements. It is within this context that I have assessed the appeal proposal.
13. The host building's character is partly derived from its minimalist design comprising clean lines aided by the use of the existing narrow framed aluminium sash windows. There is no dispute that the use of timber sash windows to the appeal property would not be in keeping with its more modern design, however the use of UPVC windows as proposed with considerably thicker frames than the approved aluminium frames would detract from the

clean lines and simple design of the existing building. As a result, UPVC windows would make the building appear more prominent, and further erode its already bland and monolithic appearance.

14. By reason of the use of thicker framed UPVC windows contrary to the prevailing use of slim framed sash windows in this part of the CA, and resultant harm to the appearance of the appeal building making it more prominent and further highlighting its unsympathetic design, the use of UPVC windows would detract from, and fail to preserve or enhance the character or appearance of the CA as a whole. Similarly, the use of unsympathetic UPVC windows drawing more undue attention to the appeal building in close proximity to the listed buildings, would harm the setting of the nearby listed buildings listed above. I give great weight to the conservation of these heritage assets.
15. The use of UPVC windows would result in 'less than substantial harm' to the Conservation Area and setting of nearby listed buildings as designated heritage assets. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 202 of the National Planning Policy Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal.
16. I acknowledge the submitted quotation and cost of replacing the existing windows with aluminium, however, the appellant amended the original application to propose aluminium windows and I have only been provided with one quotation and no other detailed information regarding viability/affordability. Moreover, I have not been provided with evidence of the associated cost for UPVC windows for comparison. As a result, I do not have sufficient information to be able to conclude that aluminium windows would be unaffordable. In any event, the affordability or not of the windows would be a private, as opposed to a public benefit. This matter does not weigh in favour of the proposal.
17. Whilst I acknowledge the proposal would result in some public benefit, including the provision of more thermally efficient replacement windows ensuring the safe occupation of the building, this would also be likely to be achieved with the replacement windows as approved.
18. Accordingly, these matters do not outweigh the 'less than substantial harm' to the Conservation Area as a whole or to the setting of the nearby listed buildings.
19. It follows from the above that I conclude that the condition is reasonable and necessary in order to preserve the character and appearance of the Chippenham Conservation Area and preserve the setting of the nearby listed buildings.
20. The condition would ensure no harm is caused to the character and appearance of the appeal building or to the significance of the CA and nearby listed buildings as designated heritage assets. The condition would ensure that the character and appearance of the CA is preserved as a whole with no harm to the setting of nearby listed buildings in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The condition accords with Policies CP57 and CP58 of the Wiltshire Core Strategy (January 2015) which, amongst other things, ensures a high standard of design

that is sympathetic to and conserves historic landscapes and conserves and where possible enhances the historic environment.

Conclusion

21. For the reasons given above the appeal is dismissed.

C Rose

INSPECTOR