
Appeal Decision

Site visit made on 20 November 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/D2320/D/23/3328823

9 Withnell Fold, Withnell, Lancashire PR6 8BA

- 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 Robert Fairhurst against the decision of Chorley Borough Council.
 - The application Ref 23/00310/FULHH, dated 4 April 2023, was refused by notice dated 14 June 2023.
 - The development proposed is described as: replacement of single glazed windows in poor condition, with new double glazed windows in same style and colour. Replacement of solid front door with new door with small window. Replacement of poor fitting solid rear stable door with new door with window. All of the above in order to improve thermal efficiency, increase security and reduce road noise.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. All four windows and the front door in the front elevation have been replaced. In the flank elevation, three windows have been replaced, one at ground floor and two at first floor, and a window and a door in the property's rear elevation have been replaced. All have been done so in accordance with the submitted details. I have considered the appeal on that basis.

Main Issue

3. The main issue in this case is the proposal's effect on the character or appearance of the Withnell Fold Conservation Area (the CA), the setting of a nearby listed building and the significance of the appeal property, a non-designated heritage asset (NDHA).

Reasons

4. The two-storey end terrace appeal property is built from random rubble with stone dressings including quoins and a slate roof. The property fronts Withnell Fold and is set back behind its front garden. The appeal property is identified on the local list and is a NDHA. The property originally had windows and doors built from traditional materials. Some remain.
5. The special character of the CA derives from the attractive 19th century stone terraces, their traditional craftsmanship, the use of original building materials and replicated architectural features, but also their association as a small industrial village (colony village) with the nearby former Victorian paper mill. The terraces are predominately residential properties.
6. The significance of the NDHA derives from its positive architectural and historic contribution to the collective aesthetic and historic qualities of the cottages and

their association with the mill as they provided housing for mill workers. The property is subject to an article 4 direction which enables the Council to control alterations to properties that would normally be permitted development to protect the attractive and distinctive character of the square at Withnell Fold.

7. There are mix of window styles within the CA, including a blend of casements, sliding sash and mock sash. Timber prevails, though there are numerous examples of uPVC. The type and material used for the windows and doors is a positive characteristic of the CA despite the presence of window and doors that are not timber or of the styles mentioned.
8. The property, as with other properties in Withnell Fold, lies within the setting of the Grade II listed 'Stocks' which comprises of two posts with restored beams with holes for one pair of legs with a hinged locking strap together with a seat. The Stocks have historic significance as they reflect a period of punishment and humiliation. The Stocks and properties within Withnell Fold are part of the same setting, though boundary hedges, trees, a small substation and telegraph pole affect that setting.
9. The replacement windows and doors are uPVC which is not a traditional material. The installed windows may be of a heritage style with sash windows, have a wood grain effect and external bars that seek to replicate the style and finish of the previous windows or re-introduce a style that may have originally been used in the appeal property, but they, along with the doors still appear as modern replacements due to the material used.
10. I do not know how some of the examples of uPVC windows and doors in the CA came to be, how long they have been present or in what circumstances they were installed. Further, while some may have been granted planning permission, there is nothing to confirm this or the reasons that led to those decisions. However, as I have set out above, timber still prevails as a material used for windows and doors in the CA.
11. The colours used for the windows and doors complement the appeal property and the variety found in the CA. It is also fair to say that not every window has been replaced either, with the appeal property retaining its unique single-glazed, ornate stained-glass windows. Even so, the use of a modern material in the CA where traditional materials such as timber still predominates, harms the significance of the CA, the Stocks and the appeal property itself as an NDHA by visually detracting from the collective aesthetic and use of materials displayed by the cottages around Withnell Fold. As a result, the proposal does not preserve the character or appearance of the CA or the setting of the Stocks.
12. The degree of harm having regard to the National Planning Policy Framework (the Framework) is less than substantial in respect of the CA and the Stocks, with the harm being at the lower end of the spectrum of that. That said, great weight should still be given to those assets' conservation, and this, must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. The proposal directly effects the NDHA, though the scale of harm caused is limited. This is because although some of the openings are easily seen from the roads, those at the rear are masked by the boundary wall. Furthermore, this degree of harm is influenced by the style of openings used which has retained the property's overall architectural quality, albeit with a modern material which detracts from the traditional materials otherwise used on the NDHA.

14. There are benefits from the installed windows and doors being thermal efficient, secure, and having good acoustic properties, especially if they have replaced windows and doors in a poor condition. Good windows and doors can last for many years, whilst those installed appear to be easy to maintain. Undoubtedly, they ensure the property is a liveable family home suitable for modern and future generations by avoiding cold and damp rooms that can potentially affect the health of the occupants. These are public and private benefits and I give the public benefits of people living in a home that does not cause health and wellbeing effects, and is thermally efficient, limited weight.
15. The appellant asserts that the windows and doors are eco-friendly, minimise waste and pollution, use natural resources prudently, reduce carbon emissions, ensure the best EPC rating and can help avoid costly energy bills. However, the lack of either any substantive evidence or comparison to potential alternative windows and doors, means that, on the evidence before me, I do not consider these factors to be public benefits.
16. I agree with the appellant that the optimum viable use of the property is as a family home. Good quality windows and doors help contribute towards ensuring the property is warm, quiet and a healthy place to live now and for the future. Nevertheless, it has not been shown that the optimum viable use could not be secured by using a traditional material for the windows and doors.
17. The public benefits do not outweigh the less than substantial harm that the replacement windows and doors cause to the significance of the CA and the setting of the Stocks. Accordingly, I conclude that the proposal does not preserve or enhance the character and appearance of the CA or the setting of the nearby listed building and conflicts with Policy 16 of the Central Lancashire Adopted Core Strategy, Policy BNE8 of the Chorley Local Plan 2012 – 2026 and Framework paragraph 202. These policies seek development to sustain, conserve, and where appropriate, enhance the significance, appearance, character and setting of heritage assets.
18. On balance the proposal's benefits would outweigh the limited harm to the significance of the NDHA. However, this does not alter or outweigh my findings on the designated heritage assets.

Other Matters

19. Three other listed buildings are cited by the appellant, but the proposal is not within their setting, and such does not affect their significance.
20. Although the appellant tried to engage with the Council before the development commenced to see whether planning permission would be required for the windows and doors, I have determined this appeal on its planning merits alone. If the appellant is unhappy with the Council's service, then this should be raised with the Council in the first instance through its complaints process.

Conclusion

21. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
22. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR