



Appeal Decision

Site visit made on 27 November 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/A2335/W/23/3323271

77-83 Queen Street, Morecambe LA4 5EN

- 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 Mehdi Matthew Khazeni-Rad against the decision of Lancaster City Council.
 - The application Ref 23/00097/FUL, dated 28 January 2023, was refused by notice dated 12 May 2023.
 - The development proposed is replacement of timber sash windows to PVCu sash windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the words 'The site is located within the Morecambe Conservation Area' from the description as this does not form part of the proposed development.
3. The appeal site is situated within the Morecambe Conservation Area (the CA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the CA.

Reasons

5. The appeal site, No 77-83 Queen Street, relates to a stone built, three-storey, mid-terrace property within the Morecambe Conservation Area (the CA). The mixed-use property currently consists of two commercial units at ground floor, both served by separate timber shop fronts, and residential units above with attractive canted bay windows at first floor level.
6. The significance of the CA as a whole lies in the patterns of historic structures, road layouts and streetscapes which tell the story of Morecambe's growth from its origins as a small fishing settlement into a popular seaside resort of the nineteenth and twentieth centuries for holiday makers from the industrial centres of Lancashire and Yorkshire.

7. The appeal site is located within the Green Street to Euston Road character area of the CA, with the Morecambe Conservation Area Appraisal (2008) (MCAA) recognising Queen Street as the oldest section of this character area, dating back to the early nineteenth century. The MCAA states that despite mediocre modern interventions which have undermined some of the quality of Queen Street, this street has a stronger underlying quality, with the ground floor shops tending to be smaller, independent outlets which have retained a more traditional retail character, in comparison to other parts of this character area.
8. The MCAA also acknowledges the positive contribution that the painted timber, sliding sash windows make to the CA and specifically identifies the gradual erosion of historic features, such as the insensitive and inappropriate replacement of windows and doors, as a problem within the CA.
9. The appeal property, being one of the properties on Queen Street that has retained its timber shop fronts and timber sliding sash windows at upper levels, with decorative horns, currently adds to the general uniformity of the principal elevations on this street, and makes a positive contribution to the street scene and this part of the CA.
10. Planning permission¹ has already been granted for the change of use of the two ground floor shops at No. 79 and 81 into a flat, including the removal of the shop fronts and construction of two bay windows at ground floor level.
11. The appeal proposal seeks to replace the existing timber windows at upper levels with PVCu windows, as well as install PVCu windows within the two yet to be constructed ground floor bay windows that were agreed as part of the aforementioned approval for change of use of the ground floor into residential use.
12. A building's fenestration is an important component in defining its visual and architectural character. The use of PVCu windows in the appeal property would not represent a traditional material and whilst the proposed PVCu sash windows may be of a heritage style, with decorative horns to replicate the original feature, PVCu is a material that has an engineered and artificial texture, and a more uniform finish, in comparison to painted timber windows. These differences make it possible to discern PVCu windows as modern insertions which represent an incongruous intrusion into the street scene.
13. I acknowledge that there are a number of other properties on Queen Street that have PVCu windows, however I do not know how long they have been present or in what circumstances they were installed. Nevertheless, timber is still a common material used for windows, shopfronts and doors on this street and the examples of PVCu in other properties only demonstrates the contrast arising from the use of this material in the street. Furthermore, as mentioned above, the MCAA identifies the gradual erosion of historic features, including through the insensitive and inappropriate replacement of windows and doors, as a particular issue in the CA.
14. Additionally, the previously approved application to install bay windows at ground floor level as part of the residential conversion would increase the visual prominence of the appeal property on the street, in comparison to the

¹ Council Reference Number: 19/01474/FUL

surrounding shop fronts found at ground floor level. As such, the cumulative impact arising from that alteration and the proposed installation of PVCu windows throughout the front elevation, would harm the visual character of the appeal property and the street scene.

15. As such, the loss of the traditional timber windows, to be replaced with PVCu windows, would have a negative impact on the character and appearance of the appeal property and would harm the significance of the CA. The proposal would therefore not preserve the character or appearance of the CA. The degree of harm is less than substantial, however paragraph 199 of the National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Therefore, in accordance with paragraph 202 of the Framework this harm must be weighed against the public benefits.
16. The appellant states that their intention is to improve and invest in the property sympathetically, and that the existing windows need replacing as they are suffering from age and decay.
17. In response to the appellant's comments, I have been provided with limited evidence that the existing windows need replacing, or that the property could not be improved by using a traditional material for the replacement windows. As such, the public benefits arising from the appeal proposal would not outweigh the great weight to be given to the conservation of the heritage asset, and thus the proposal would conflict with the Framework.
18. I have had regard to the appellant's comments in respect of a decision taken by the Council to grant permission for PVCu windows at 2 Edward Street. Whilst each application is judged on its own merits, I have reviewed this case and note that it is located within a different character area of the CA and is not viewed within the same street scene as the appeal property. Furthermore, the property at 2 Edward Street, as well as its surrounding properties, are of a different design and character to the properties on Queen Street. As such, I do not consider these two proposals to be directly comparable and therefore this previous decision by the Council at 2 Edward Street carries limited weight in my determination of this appeal proposal.
19. Accordingly, I conclude that the proposal would have a harmful impact upon the appeal property and would not preserve or enhance the character and appearance of the CA. The proposal therefore conflicts with Policies DM29 and DM38 of the Development Management DPD (2020). These policies together seek to ensure, amongst other things, that proposals contribute positively to the identity and character of the area through good design, having regard to the palate of materials, preserve or enhance the character and appearance of the conservation area by respecting the character of the surrounding built form and its wider setting, and do not result in the loss or alteration of features which contribute to the special character of the building and area.

Conclusion

20. For the reasons given, the development does not accord with the development plan when taken as a whole and there are no material considerations that

indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

R Major

INSPECTOR