



Appeal Decision

Site visit made on 4 December 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.12.2023

Appeal Ref: APP/Z0116/D/23/3329060

34 Ground Floor Flat, Royal Park, Clifton, Bristol, BS8 3AN

- 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 Alex Lemaigre against the decision of Bristol City Council.
 - The application Ref 22/02308/F, dated 9 May 2022, was refused by notice dated 4 July 2023.
 - The development proposed is to replace existing timber sliding sash with the ULTIMATE sliding sash windows from the Roseview collection, to both front & rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is the effect of the development on the character and appearance of the existing dwelling, the surrounding terrace and the Clifton and Hotwells Conservation Area (CA).

Reasons

3. The appeal site is located within the Clifton and Hotwells CA, as set out in the Clifton and Hotwells Character Appraisal and Management Proposals (2010) (CAMP). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The site is within the Clifton Park Character Area of the CA, which the CAMP identifies is characterised by high quality townscape, consisting of mid to late Victorian terraces and occasional backland mews areas. The CAMP also notes timber sash windows as part of the characteristic material palette of the character area.
4. No 34 Royal Park is split into 4 flats and part of a lengthy terrace of similar properties. Its traditional architecture and form, including bay windows and use of pennant sandstone and timber windows, make a positive contribution to this part of the CA.
5. The appellant points to examples of non-timber windows within the terrace, including at No 34, and nearby. However, while there is some variation in window design, there is a broad consistency in terms of the proportions and form of the opening elements of the windows within the terrace, and the predominant continued use of traditional materials is a key component of the attractiveness of the dwelling and terrace, and their positive contribution to the CA. The examples provided by the appellant illustrate that the original character of the building and terrace has been eroded to a degree, and that

more modern buildings nearby (which also have UPVC windows) have limited positive contribution to the character and appearance of the CA. However, I consider that it is important to the area's character to avoid further alterations, where possible, that would be out of keeping with the original surroundings.

6. The existing windows at the ground floor of No 34 are single glazed, timber sashed, and painted white. The submitted plans are limited in detail and do not illustrate the widths of the glazing bars nor show the horns for example. The manufacturer brochure is provided showing general dimensions and thicknesses, but not specific details of the proposed replacement windows, such as the curved top of the front windows.
7. Historic England advises in their guidance¹ that replacement uPVC windows *"pose one of the greatest threats to the heritage value of historic areas... Despite attempts at improving the design of these windows they are instantly recognisable because they cannot match the sections and proportions of historic joinery."* Whilst improving in this respect, uPVC windows can lack the finesse and craftsmanship of a traditionally constructed timber window which ages over time. As such, it is usually readily apparent that they are modern uPVC replacements.
8. I acknowledge that the type of replacement window is chosen for its thin profile and inclusion of details such as the integral horns and 'authentic putty glass lines', in addition to being able to be finished with a timber effect to look similar to wood. However, the technical finish would still be different to wood, and the photograph shown on the proposed plans illustrating the window style of the frontage appears to show a thicker window frame, if not the central mid rail.
9. This visual difference would be exacerbated by the prominence of the ground floor windows, in addition to only the ground floor flat windows being replaced and not those of the entire building. The resulting mixture of windows and materials in the same property, even if the design is similar, would harm the appearance of the building itself and the uniformity of the terrace as a whole.
10. This would diminish the contribution of the dwelling and terrace to the wider CA, and therefore would fail to preserve or enhance the character and appearance of the CA. Given the localised impact of the development the harm it would cause to the significance of the CA is considered to be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) makes it clear that in such circumstances, this harm should be weighed against the public benefits of the development.
11. Whilst I note the appellants assertion that the existing windows are in poor condition, benefits such as improved thermal efficiency are private. Moreover, it has not been demonstrated that these uPVC windows are the only way to achieve improved energy efficiency or enable continued use as private rental flats. As such, this does not amount to public benefits which outweigh the harm that is caused to the significance of the CA as a heritage asset, to which I attach great weight, as required by paragraph 199 of the Framework.

¹ Traditional Windows Their Care, Repair and Upgrading (2017)

12. The appellant references similar other applications approved, including an appeal decision. However little details of these examples are provided, which prevents comparison and as such, I give these examples little weight.
13. I conclude that the replacement windows would harm the character and appearance of the existing dwelling and terrace and would neither preserve nor enhance the character or appearance of the CA. There is therefore conflict with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) or Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) which collectively seek to ensure that development is not harmful to an area's character and identity and that development proposals safeguard or enhance heritage assets in the city. There is also conflict with the general importance of traditional details advice set out in the CAMP.

Conclusion

14. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above and having had regard to all other matters raised, the appeal is therefore dismissed.

B Phillips

INSPECTOR