



Appeal Decision

Site visit made on 23 January 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/D0121/W/23/3326714

32-34 Birnbeck Road, Weston-super-Mare, North Somerset BS23 2BX

- 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 Ahmeti against the decision of North Somerset Council.
 - The application Ref 22/P/2063/FUL, dated 23 August 2022, was refused by notice dated 28 February 2023.
 - The development proposed is replace all existing windows with uPVC marine grey colour windows in either sliding sash style or casement style.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. However, as the provisions in the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. I have taken the description of development in the banner heading above from the application form. However as '*as per accompanying documentation*' is not an act of development, I have removed this element.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and the Great Weston Conservation Area.

Reasons

5. The appeal site is a large period villa located in a row of similar period buildings in a prominent seafront location. The site is within the Sea Front character area of the Great Weston Conservation Area (CA) as defined in the Great Weston Conservation Area Appraisal and Management Plan adopted December 2018 (CAMP).
6. The CAMP states that the character of this area is defined by the long sweep of Weston Bay, with hotels, institutions and blocks of flats facing the Bristol Channel, with key characteristics including seaward facing Victorian villas, stone terraces, and Weston's earliest hotels. The significance of the area is largely due to the high presence of period architecture related to the rapid growth of the town at that time, and that the resulting appearance has come to define the town and the way that it is viewed.

7. The appeal building and its neighbours have undergone alteration in the past, including the installation of window frames in a variety of style and material. This partly contributes to the CAMP identifying the area as a whole, to have low integrity and need significant attention. However, despite the alterations and the existing poor condition of the appeal building, it continues to make a positive contribution to the character, appearance, and significance of the area due to being a substantial and prominent Victorian property featuring period architecture.
8. Notwithstanding that an Article 4 Direction restricting the alteration of fenestration covers the surrounding area, I observed that a number of windows within period buildings had been replaced using unsympathetic modern uPVC with a mixture of differing appearance and opening methods. Furthermore, modern buildings within the CA also feature uPVC.
9. The use of uPVC glazing is not necessarily inappropriate in the construction and form of new modern buildings, even within a CA. However, far from justifying the proposed windows at the appeal site, the surrounding examples of replacement windows in period properties which follow historical proportions, while they may not be of a similar design quality to that proposed, highlight the impact that inappropriate windows can have on the historic integrity of a building and the wider CA.
10. The proposed new windows would feature both vertical sliding sash and 'slim' casement frames with a grey finish. Given the lack of wider visibility of windows to the rear of the building, replacement of those windows on the rear elevation would result in minimal harm.
11. Nevertheless, to the front and side elevations, despite the efforts to utilise 'slim' uPVC frames, the proposed fenestration would visually appear wider, bulkier and at odds with the slender historic timber frames which still survive on some buildings within the CA. This is further emphasised by the mix of sash and casement, and the man-made coloured material, which would draw the eye within this prominent period property. In doing so, whilst providing a more cohesive appearance in fenestration from the existing patchwork, the proposal would appear as modern additions inconsistent with the period property detailing. This would detrimentally effect the character and appearance of the area and reduce the positive contribution of the building to the CA.
12. Therefore, I find the harm to the CA would be less than substantial, which also accords with the appellant's findings. Even so, the Framework states that great weight should be given to the conservation of such assets. In those circumstances, the Framework states that harm should be weighed against the public benefits of the proposal.
13. In this case, the proposal would support the economy during the construction process and would contribute to bringing and retaining an existing disused building back into use as tourist accommodation with associated social, economic and environmental benefits. Furthermore, new windows would be more energy efficient, improving the thermal insulation of the building. That many of the existing window frames are in poor condition or are of unsympathetic design and material is also not at issue.
14. However, there is nothing before me to indicate that the above stated benefits could not be achieved by using alternative replacement windows that would be

less harmful to the host building and to the CA. I therefore find the benefits to be limited. The Framework states that great weight should be given to the conservation of heritage assets, and consequently, I find the benefits do not outweigh the harm that I have identified.

15. A planning permission¹ cited by the appellant relates to a property outside of an Article 4 direction area preventing permitted changes of windows, where the Council considered that the proposal was not out of character, given the number of existing uPVC windows in the area. The circumstances around the granting of that permission, on the evidence before me, appears materially different, however even if there are some similarities, that is insufficient reason in itself to grant planning permission in this case given the identified harm.
16. Furthermore, I acknowledge an Inspectors decision² that is cited by the appellant. However, within that decision the Inspector notes that in many cases the use of UPVC as opposed to timber can be harmful to the overall appearance of an individual building and the wider CA. Additionally, the full details of the other case including the context of that appeal site, or the window details are not before me. This limits the equivalence of the other case to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
17. Accordingly, I conclude that the proposal would result in harm to the character and appearance of the host building and the CA. As such, the appeal scheme conflicts with policies CS5 and CS12 of the North Somerset Council Core Strategy adopted January 2017 and Policies DM3 and DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 adopted July 2016. These policies, amongst other matters, seek high quality design, which conserves the historic environment and prevents harm to the character and appearance to conservation areas. The proposal would also conflict with guidance within the CAMP, which seeks to help manage change across the CA by, amongst other things, maximising opportunities to restore historic buildings or reinstate architectural features.

Other Matters

18. Following the Council's decision, a certificate of lawfulness³ has been granted which provides formal confirmation that a development approved by planning permission 18/P/3335/FUL (granted on appeal⁴) has been commenced. This permission related to the demolition of the current appeal building and erection of a new four-storey building comprising 10 self-contained flats.
19. It is put to me that this permission represents a 'fallback' position. However, whilst implementation of the permission is a theoretical possibility, no substantive evidence has been provided to indicate why less harmful alternative replacement windows could not be utilised in order to bring the building back into use and be a more viable alternative for the re-use of the site than the extant permission.
20. Furthermore, even if the fallback position was a real prospect, as well as the lack of details before me, given that conditions including that involving

¹ 22/P/2164/FUL

² PP/D0121/W/21/3283205

³ 23/P/0853/LDE

⁴ APP/D0121/W/19/3228291

materials have yet to be discharged, I have insufficient detail to conclude that the fallback position would be more harmful than the appeal proposal. I therefore find that any fallback position does not outweigh the harm and development plan conflict identified above.

Conclusion

21. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR