



Appeal Decision

Site visit undertaken on 26 January 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/M2840/D/23/3333266

1 Harrowden Road, Wellingborough NN8 5BJ

- 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 and Mrs Asif against the decision of North Northamptonshire Council.
 - The application Ref NW/23/00409/FUL, dated 4 July 2023 was refused by notice dated 30 August 2023.
 - The development is described as 'Proposed replacement windows and rear door.'
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs is made by Mr and Mrs Arif against North Northamptonshire Council. This application is the subject of a separate decision.

Procedural Matters

3. I note that both parties in their appeal documents reference the paragraphs of the National Planning Policy Framework 2021 (the Framework). Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version. The wording of the paragraphs of the new Framework relevant to this appeal remain unchanged from the 2021 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2023 Framework within my decision.
4. I note discussion in the appeal documents with regards to whether there is an Article 4(2) Direction on the property which directs that planning permission is required for the replacement of doors and windows. It is not for me under a Section 78 appeal to determine the legality of an Article 4(2) direction. I have therefore made my decision on the basis of the existing conditions and to the development plan and relevant material considerations. To that end it is open to the Appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 if they believe the lawful development is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.
5. The Council's Decision Notice has two reasons for refusal which both relate to design, character and appearance and the historic environment. As all of these

issues are interrelated and relate to the same matters, I will deal with both reasons for refusal within the one main issue.

Main issue

6. The main issue is the effect of the proposal on the existing building and the surrounding locality, with special attention as to whether the proposal would preserve or enhance the character and appearance of the Wellingborough Town Conservation Area (CA).

Reasons

7. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the determination of a planning application.
8. With regards to undertaking alterations, relevant policies of the North Northamptonshire Joint Core Strategy (JCS) Policy 8 sets a number of place making principles, where applications are expected to create a distinctive local character by responding to the context and local character, form and landscape setting of the settlement, amongst others. Additionally, JCS Policy 2 is related to the historic environment and seeks that development should conserve and where possible, enhance the significance of a heritage asset, and ensuring that proposals complement their historic environment through their form, scale, design and materials, amongst others.
9. The significance of the CA is detailed within the Wellingborough Town Conservation Area Appraisal where the appeal site appears as part of the Victorian expansion of Wellingborough Town, which saw materials such as red brick being utilised as opposed to the ironstone of the historic core of the settlement. The appeal site lies along Harrowden Road and the A5193, which is one of the main thoroughfares into and out from Wellingborough towards neighbouring settlements. In this area of the settlement designs are predominantly Victorian with larger detached two storey dwellings with small front gardens and low boundary walls. In this area key characteristics include the Historic street pattern; Homogeneity of local materials in the older dwellings. The CA Appraisal notes the appeal site as a 'Building of Townscape Merit'¹ or non-designated heritage asset in accordance with Paragraph 209 of the Framework.
10. The older dwellings in this Victorian expansion of the town are typically constructed in brick, and have timber window frames, with timber doors, decorative brickwork, stone fenestration surrounds and slate rooves and large chimney stacks. Whilst there are some examples of unsympathetic alterations and materials, the continued use of traditional and authentic materials and their relationship to the historic form and function of buildings is also a key component of the significance of the CA.
11. It is noted that the CA Appraisal states that the quality of the CA is being eroded, in part, by negative features such as the inappropriate replacement and designs of traditional windows, doors and roofing. The replacement of timber windows with uPVC windows is identified as a particular problem and therefore the CA Appraisal seeks to restore original glazing materials and

¹ Figure 8 Heritage Assets.

configurations. According to the appeal documents, an Article 4 Direction is present on unlisted dwellinghouses such as the appeal site in order to regulate the appropriate installation of sympathetic features such as windows, etc.

12. The appeal property displays a number of positive characteristics which contribute to the significance of the CA. The building is in a relatively prominent position along one of the main roads and overlooks the small amenity greenspace opposite, and maintains a number of architectural elements that are referred to in the CA Appraisal as positive attributes. I agree that the building contributes positively to the local distinctiveness, character and appearance of the CA. The appeal building is a positive historic building which assists in demonstrating the historic origins and associated trades, evolution and construction of the village. It's local use of later vernacular is particularly important for understanding the use of different materials and reinforcing local character, and the distinctiveness of the area. The appeal building still maintains a positive presence to the street scene and the CA alongside the other historic buildings found within the locality.
13. The windows to be replaced are timber sash windows that are single glazed with timber glazing bars. These windows would be replaced with uPVC double glazed sash windows with imitation glazing bars that are stuck to the exterior of the glass with double glazing that is 24mm thick. Additionally, it is proposed to replace timber doors with composite doors.
14. Historic England advises in their guidance² that replacement uPVC windows *"pose one of the greatest threats to the heritage value of historic areas, particularly in towns and villages. Despite attempts at improving the design of these windows they are instantly recognisable because they cannot match the sections and proportions of historic joinery."*
15. I acknowledge that not all the windows to be replaced may be original, however they are of appropriate materials, design and constructional techniques which are authentic and characteristic of the period when the building was constructed. I accept comments from the appellant that the design of uPVC replacements has become more sophisticated in recent years, however I do not agree that the use of uPVC replacements would be 'identical' or 'replicate' or are as authentic as timber windows.
16. As shown in the cross section plans that accompany the appeal, the frames and depth of glazing with imitation glazing bars are significantly thicker in section to support the double panes. As installed the proposed windows with 24 mm glazing units would contain a large gap between the glazing which accentuates the reflectiveness of these uPVC units against the more matt and uneven finish and appearance of a traditionally glazed window. The uPVC windows would also maintain a perfect uniformed and manufactured finish that lacks the finesse and craftsmanship of a traditionally constructed timber window which ages over time. As such, it would be readily apparent that the proposal would be modern uPVC replacements. Consequently, I disagree that the proposed windows would 'maintain the appearance of the house' or have a 'neutral effect' upon the existing building. The proposed windows which are of uPVC and have false glazing bars that are not part of the structure of the window, together with the replacement doors would materially diminish the architectural authenticity of the dwelling and would have an incongruous and harmful effect

² Historic England (September 2017): *'Traditional Windows: Their Care, Repair and Upgrading'*

on the appearance of the CA. Despite this, the appropriateness of a window is not solely related to the visual appearance of a window, but the authenticity of building materials and local vernacular and how this relates to the heritage values of this building as well as the broader significance of the CA.

17. I agree with the appellant that single glazed windows are not as environmentally thermally efficient to today's modern standards, and that in some circumstances double glazed slimline units (as commented by the Conservation Officer) or secondary glazing can be other methods of achieving appropriate thermal efficiency. However, from reading the Council's Planning Officer Report, the main concern raised in the appeal is regarding the change from timber to uPVC and the resultant thickness of the windows, rather than the change from single to double glazing. I agree that there is a need for environmental efficiency and tackling elements that contribute to climate change, sustainability and the reduction of fossil fuels. However, I have not been presented with substantive evidence to suggest that the proposed uPVC windows would significantly outperform well installed and maintained double glazed timber windows which would also be thermally efficient and meet current building, environmental, security and fire safety regulations. The same argument is also present to the proposed doors, whereby robust and well maintained timber doors also have appropriate security and building regulations support with regards to fire safety, energy efficiency, security and thermal performance.
18. I can also appreciate comments made by the Appellant that there is evidence within the locality of historic buildings with uPVC windows and also on more modern flat developments opposite, although these modern flats are not comparable to the Appeal property. With regards to the historic buildings containing uPVC windows, I have not been given details as to why these buildings contain the use of uPVC, which may have also been installed without consent, or potentially before designation of the CA and associated Article 4(2) direction. In any event, the presence of uPVC windows elsewhere in the street is not a strong point in favour of the appeal scheme as the CA Appraisal identifies their presence as a specific problem in which it is trying to resolve. It is clear that in relation to this particular CA that in these circumstances the use of timber is a key component of its significance and how the building is experienced within the CA.
19. In conclusion of this matter it is clear to me that the proposal would unacceptably harm the appearance of the appeal building, thus failing to preserve the character and appearance of the wider CA and the duty under s72 of the PLBCA. The proposed scheme would therefore conflict with Paragraph 208 of the Framework, JCS Policies 2 and 8 as described previously.
20. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 208 of the Framework. Paragraph 206 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 208 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I have also considered Paragraph 209 of the Framework where in relation to non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

21. The Appellant has suggested that the public benefits of the scheme would be that the proposed uPVC windows would have environmental benefits such as reduction in drafts, reducing energy consumption, improved living conditions, improved thermal performance and reduction in heating emissions. Additionally, the installation of windows would have economic benefits in the short term employment of labourers. However, these benefits are not unique to this particular scheme or to uPVC windows, and as discussed, there may be other, more acceptable, ways in which these same public benefits could be achieved which are more appropriate to the policies of the development plan.
22. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified. The scheme therefore conflicts with the Framework, which directs, at paragraph 205, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Conclusion

23. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR