



Appeal Decision

Site visit made on 27 June 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/M1005/D/23/3322210

14 Chapel Street, Belper, Derbyshire, DE56 1AR

- 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 Dr Drew Smith against the decision of Amber Valley Borough Council.
 - The application Ref: AVA/2022/0500, dated 31 May 2022, was refused by notice dated 23 February 2023.
 - The development is the replacement of windows to front elevation
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of windows to front elevation at 14 Chapel Street, Belper, Derbyshire DE56 1AR in accordance with the terms of the application, AVA/2022/0500, dated 31 May 2022, and the submitted plan referenced DY160143 – Location Plan.

Procedural Matters

2. I have amended the address in the banner from that which is on the application form to rectify an ordering issue.
3. The description of development in the banner heading above has been taken from the Council's decision notice which is, in part, referenced in the appeal form. This description differs from that which is contained in the application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Nonetheless, I have used the one given on the decision notice as it provides greater clarity of the development.
4. The appellant submitted evidence relating to other decisions for replacement windows following the submission of the appeal. As those cases were referred to in the appellant's statement of case, I have not sought any further comments from the Council on the additional documents. I deal with the relevance of those decisions below.
5. On my site visit I observed that the development had taken place and was complete. With the exception of drawings on a "contract order form", accurate plans have not been provided to demonstrate the development that has taken place. I have therefore determined the appeal based on what I saw on site.

Main Issues

6. The main issues are:

- i) whether the development preserves or enhances the character or appearance of the Belper and Milford Conservation Area (BMCA) and the Derwent Valley Mills World Heritage Site (DVMWHS); and,
- ii) the effect of the development on the setting of nearby Listed Buildings.

Reasons

Character and appearance of the BMCA and WHS

7. The appeal property is a large detached two-storey building. The front façade is constructed from sandstone and includes decorative corner pilasters. A slightly projecting central bay includes a recessed doorway with an arched stonework surround. To both sides of the central doorway are tripartite sash windows, consisting of two narrower windows positioned either side of a larger central sash window, which are separated by stonework surrounds. Three evenly spaced and uniform sash windows are located at first floor level. The building is set back from the street with a front garden, behind a low brick boundary wall with hedging above. The property is located on the A6, which is the main arterial route through Belper. To the south of the site is the Central Methodist Church which is set further back from the street. Further to the south is a large former mill building which is sited at the back of the pavement.
8. The site is located within the BMCA, which is a designated heritage asset. S.72(1) of The Town and Country Planning (Listed Building and Conservation Areas) Act 1990, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, and great weight should be given to the heritage asset's conservation. In addition, the site lies within the DVMWHS, which is an internationally recognised heritage asset of Outstanding Universal Value. The significance of both of these heritage assets lies with their historic and cultural origins, along with the architectural quality that the sites possess. The appeal dwelling, and its surrounding grouping make a positive contribution to the character and appearance of these heritage assets.
9. There is some dispute between the parties as to whether the earlier removed windows were original. I have considered in detail the evidence put forward, but I cannot definitively conclude on this matter. Nonetheless, the Council's Conservation Officer consultation response provides a 2012 visual of what existed previously. The earlier windows were large timber framed sash windows, each with a single horizontal glazing bar positioned roughly centrally across the window. There is no dispute between the parties that these earlier windows were of timber fabrication.
10. The installed windows have sought to replicate the design of the earlier windows, in terms of their design and proportions, while using timber effect uPVC. Their overall appearance is similar to the previous windows, although there appears to be some difference in the thickness of the glazing bars, and visible framework compared to the earlier windows. I have no precise details in the difference in thickness of any framework or glazing bars, however from the

evidence before me the difference in these regards appears to be minimal. As with their predecessors, the windows are recessed by a similar amount in the elevation, which allows the main stonework façade to remain prominent, and this recess helps to disguise any subtle difference in framework or materials.

11. While on a busy arterial street, the building is set back from the highway which separates the windows from the public realm. This separation helps to ensure that the windows' subtle variation in design, does not appear alien or unduly out of character with the building, and means that their fabrication in uPVC is not overly apparent from the street. Therefore, I find that there has been no detrimental effect on the overall character or appearance of the Conservation Area, neither does it dilute the authenticity of the WHS and, as such, I consider that these heritage assets have been preserved.
12. I note the concern regarding the reflectivity of double-glazed windows compared to single glazed. However, the Council have confirmed that double glazed timber windows would be acceptable, and therefore this matter does not alter my assessment of the case.
13. I also acknowledge that the use of uPVC, as an unauthentic and unsustainable material, is discouraged. The Derwent Valley Mills World Heritage Site Management Plan (2020-2025) states that the use of lookalike timber effect uPVC windows is not acceptable¹, while the guidance contained within the Listed Buildings and Buildings in Conservation Areas Supplementary Planning Document 2007 (the SPD) also advises that the installation of uPVC windows to buildings covered by an Article 4(2) Direction² would not be acceptable. However, I have considered the proposal on its merits and, in this instance, I have found that the development would not negatively affect the character or appearance of heritage assets or the authenticity of the DVMWHS.
14. For the above reasons, the development preserves the character and appearance of the BMCA and the DVMWHS. Therefore, the development accords with saved Policies EN27 and EN29 of the Amber Valley Borough Local Plan 2006 (the LP), and the guidance contained within the National Planning Policy Framework 2021 (the Framework). Together these seek to ensure that developments preserve and enhance the character and appearance of designated heritage assets.
15. I have also had regard to the Neighbourhood Plan for Belper Civil Parish (the NP) which forms part of the Development Plan. The development accords with Policies NPP1, NPP11 and NPP12 of the NP which require development to safeguard the DVMWHS and BMCA and require development in these locations to, inter alia, respect and complement existing materials and architectural detailing, and to be of high-quality design.

Listed Buildings

16. To the south of the appeal site are two Listed Buildings including the Grade II Listed Central Methodist Church, and a Grade II* listed former mill building

¹ Paragraph 22.6

² Section 5

known as "Mills occupied by George Brettle and Company Limited"³. I am required⁴ to pay special attention and have regard to the desirability of preserving the setting of listed buildings. In my view the significance of these buildings derives from their cultural and historic origins, and also the architectural features they possess. The appeal building forms part of the setting of these buildings due to the clear visual and historic relationship.

17. The listed buildings, along with the front façade of the appeal building, are visible together when approaching from the north. While from the south the buildings can also be viewed together, albeit the visibility of the front elevation of the appeal property is at a more acute angle. As I have identified on the first main issue, the development has not caused harm to the character or appearance of the BMCA or the DVMWHS. Given the separation distance and the position of the dwelling set back from the road, the replacement windows have not introduced a form of development which appears as an alien or incongruous alteration adjacent to these listed buildings. Therefore, the development does not compete or draw attention away from the adjacent listed buildings.
18. For these reasons, I find that the development does not have a negative effect on the setting of nearby listed buildings. Therefore, the proposed development accords with saved Policy EN24 of the LP, and guidance within the Framework which, together, seek to ensure that development preserves the setting of Listed Buildings. The development also accords with Policy NPP 12 of the NP which requires development to be appropriate to their location and context.

Other Matters

19. The appellant has brought my attention to other cases where replacement UPVc windows have been permitted in Belper. Whilst I have had regard to those sites, I have determined the appeal based on the circumstances of the appeal site and the details of the scheme before me.

Conditions

20. Because permission is being granted retrospectively it is not necessary to attach the standard time limit condition, or any materials condition. Furthermore, I cannot impose an approved plans condition as accurate detail has not been provided in this regard.

Conclusion

21. For the above reasons, I consider that the proposals accord with the Development Plan and that the appeal is allowed.

D Cleary

INSPECTOR

³ Full List Entry Name - Mills occupied by George Brettle and Company Limited (that part along the Chapel Street frontage, bounded on the north by the 1834 building, including northern rear wing, and, on the south, by the recessed, single storey red brick building)

⁴ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990