



Appeal Decision

Site visit made on 24 February 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/Z1510/D/23/3331252

1 The Courtyard, Bradford Street, Braintree, Essex CM7 9DE

- 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 Tim Powell against the decision of Braintree District Council.
 - The application Ref 23/02093/HH, dated 3 September 2023 was refused by notice dated 12th October 2023.
 - The development proposed is to change windows from the current material - wooden frames, to uPVC frames.
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Decision

1. The appeal is allowed and planning permission is granted for changing windows from wooden frames to uPVC frames at 1 The Courtyard, Bradford Street, Braintree, Essex CM7 9DE in accordance with the terms of the application, Ref 23/02093/HH, dated 3 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted product design specifications by Bluemanor Windows Ltd, photographs, Location Plan and Block Plan.

Main Issue

2. The main issue in this appeal is whether the proposed works would preserve or enhance the character or appearance of the Bradford Street Conservation Area (the Conservation Area), a designated heritage asset, and their effect on its significance.

Reasons

3. The Conservation Area's defining characteristics include the predominantly Georgian buildings and a few late 20th Century infill dwellings. Its character and appearance are mainly derived from older buildings along the road frontages where traditional windows and architectural detailing are widely evident. The appeal site is within 'The Courtyard' which is set back behind the frontage of Bradford Street from where there are limited views of the development.
4. The design of The Courtyard is sympathetic to and broadly reflects the character of the area. It comprises a modern group of four properties and garages which was granted planning permission in 1998. As the Council accepts, the development does not contribute to the historic significance of the Conservation Area. The distinctiveness of The Courtyard lies with its layout of

perimeter buildings around a hardstanding and its set back location behind the Bradford Street buildings. The houses are timber clad, except for No 4 which has a brick external finish. The group has a uniform appearance in terms of its form, height and massing and windows design. There is no Article 4 direction relating to The Courtyard.

5. It is proposed to replace the timber windows at No 1 with uPVC windows. The window openings would be unchanged and the existing glazing pattern would be copied. The appeal property already has a uPVC conservatory at the rear and a side elevation window with uPVC window bars. The use of uPVC in the conservatory was considered acceptable because the rear of the property could not be seen from the street. As observed at my site visit, none of the property is visible from Bradford Street, due to the set back of the development from the street and the location of No 1 at its end. The Council states that the proposal would introduce uPVC windows into the Conservation Area. However, it has also been used at the neighbouring No 4 and in the four houses in the adjacent courtyard development 'Bradford Court'.
6. In my judgement, timber windows are not essential to the significance of the appeal property because its significance is not derived from the building's historic construction and materials. Within the context set out above, the proposed windows would not affect the character or appearance of No 1; The Courtyard as a whole, nor undermine its original design intent. As the windows would be part of a modern building set behind the street frontage buildings, they would have a neutral effect on the Conservation Area, preserving its character, appearance and significance.
7. I conclude that the proposal complies with the aims of Braintree District Local Plan Policies SP7, LPP36, LPP47, LPP52 and LPP53 which in summary, collectively and of relevance to this appeal, require that the design and materials of alterations should be compatible with the original dwelling and character of the area and are sensitive to the need to conserve and enhance local features of architectural and historic importance, particularly within Conservation Areas. There would be no conflict with the conservation objectives of the National Planning Policy Framework.
8. In accordance with the statutory duty, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. For the reasons set out above and having regard to all other matters raised, the appeal is allowed.

Condition

9. A condition is necessary which identifies the approved specifications, photographs and plans for the avoidance of doubt and in the interests of proper planning.

Elaine Benson

INSPECTOR