



Appeal Decision

Site visit made on 11 June 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/P4415/D/24/3340754

5 Clifton Bank, Clifton, Rotherham S60 2NA

- 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 Oliver Brennan against the decision of Rotherham Borough Council.
 - The application Ref RB2023/1613, dated 11 November 2023, was refused by notice dated 21 December 2023.
 - The development proposed is replacement windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development was completed prior to the application to the Council.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Rotherham Town Centre Conservation Area.

Reasons

4. The appeal building is part of a curved row of impressive stone mid-nineteenth century dwellings located in a sloping cul-de sac. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The conservation area is based upon the historic core of the town centre including the town hall, church, and commercial buildings. The age, layout design and architectural detailing of the buildings at Clifton Bank make a positive contribution to the special architectural and historic interest of the conservation area.
6. The Town Centre Conservation Area Design Guide states that Clifton Bank is a very important town centre relic, the conservation of which is imperative. Although the guide is over 14 years old it is still relevant. Properties in Clifton Bank are subject to an Article 4(2) Direction confirmed in April 2010 which,

amongst other things, removes permitted development rights under Class A of the Town and Country Planning(General Permitted Development) Order 1995 as amended for the enlargement, improvement or other alteration of a dwellinghouse where any part of the enlargement, improvement or alteration would front a relative location.

7. The Article Direction does not cover the rear elevation of the appeal building. However, the front elevation is subject to the Direction. The three uPVC wood effect Georgian style framed windows facing Clifton Bank are generally similar to the windows which they replaced in terms of their white colour and form. Nevertheless, the cross-sections and dimensions of the replacement frames and glazing bars lack the intricacy in design and detailing of timber frames that exist in the row of buildings.
8. I find that the replacement front windows fail to preserve or enhance the character or appearance of the Rotherham Town Centre Conservation Area and amount to harm to the significance of the designated heritage asset. The harm arising is less than substantial, however, less than substantial harm does not necessarily amount to a less than substantial planning objection. Paragraph 208 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
9. I am advised by the appellant that the previous windows were in an advanced state of deterioration. The appellant claims that the public benefits from the replacement windows include a range of matters including a reduction in energy use and greenhouse gas emissions thereby helping to combat climate change, reducing noise for neighbours, improving town centre stock, and securing the viable use of the property as a dwelling. Despite this, I consider that the amount of benefit would be limited because of the small scale of the development involved. The benefits from the proposal would primarily constitute private benefits for the appellant, rather than public benefits and would not outweigh the harm from the proposal to the character and appearance of the conservation area.
10. The replacement windows therefore conflict with Rotherham Local Plan Core Strategy policy CS23 which seeks to conserve the town's historic environment, and with Local Plan Sites and Policies document policies SP41 and SP43 which seek to ensure the preservation or enhancement of the special character or appearance of Rotherham's conservation areas. The development would also fail to comply with the heritage objectives in the Framework.

Other Matters

11. Although there are other uPVC framed windows at the front elevations of other buildings in Clifton Bank, I have no detailed information as to whether they have permission or that they were in place prior to the adoption of the Article 4 Direction. Sufficient timber framed windows remain in Clifton Bank to set a context for dismissing the replacement uPVC windows at the front of the appeal building.
12. It is unfortunate that contact was not made with the Council prior to the development taking place, as it is likely that the appellant would then have

been made aware of the Town Centre Design Guide and details of the Article 4 Direction.

Conclusion

13. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR