



Appeal Decision

Site visit made on 29 February 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/C3430/D/23/3333079

115A High Street Kinver, Stourbridge DY7 6HL

- 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 Neville Crumpton against the decision of South Staffordshire Council.
 - The application Ref 23/00552/FULHH, dated 22 June 2023, was refused by notice dated 20 October 2023.
 - The development proposed is to replace 5 windows to the property.
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Decision

1. The appeal is dismissed insofar as it relates to 4 replacement windows to the front of the property.
2. The appeal is allowed insofar as it relates to the single replacement window to the rear of the property and planning permission is granted to replace 1 window to the property at 115A High Street Kinver, Stourbridge DY7 6HL in accordance with the terms of the application, Ref 23/00552/FULHH, dated 22 June 2023, so far as relevant to that part of the development hereby permitted and 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 approved plans: - Location Plan PP-12260372v1, Block Plan TQRQM23173214549975 and Existing and Proposed rear elevations 1154 131.000 Rev C.

Procedural Matter

3. The planning application form indicates that 6 windows are to be replaced. However, only 5 are shown on the plans and therefore I have used the corresponding description as set out on the Council's decision notice.

Main Issue

4. The main issue is whether the development would preserve or enhance the Kinver Conservation Area.

Reasons

5. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The property has a relatively central location along the High Street which exhibits an attractive range and variety of historic buildings and forms part of the Kinver Conservation Area.
7. The proposal relates to the front upper floor windows and a single window to the rear of the three-storey building comprising 115A and 114 High Street. The proposed grey, flush-fitting uPVC windows would be visibly different to the white-painted wooden windows with leaded lights they are to replace.
8. Other than the immediate neighbour, the Bay Tree Restaurant, where all of the windows are green uPVC and have a notable presence on the appearance of that building, the majority of other buildings in close vicinity retain timber windows and doors. The form varies but they are part of the building's heritage reflecting the architectural styles and craftsmanship of their time.
9. The proposed windows are to have a wooden grain effect and I acknowledge that the appearance and design of uPVC windows have advanced. Nonetheless, the homogenous 'machine-made' appearance of uPVC would lack the distinctive subtleties and texture of painted timber windows. Through the combination of the materials, design (thicker frames and trickle vents), and colour, the windows would have a starker appearance and would contrast with the ground-floor timber windows. Whilst existing street trees may in part filter some visibility, the building is seen in various views along the High Street and the Kinver Neighbourhood Plan 2023-2038 advises that the High Street is one of the frequently mentioned heritage assets which residents want to see protected. As referred to by the appellant there are some examples of uPVC replacement windows further along the High Street. The background to these is not before me, but generally, they diminish the period character of the respective properties, and this does not justify the further harmful erosion of the historic fabric of the area.
10. Consequently, the replacement windows in the front elevation of the building would not make a positive contribution to local character and distinctiveness. They would significantly erode the cohesion the building has with the character and appearance of the Conservation Area and its significance as a designated heritage asset.
11. Notwithstanding this, to the rear there are existing uPVC windows within the building and to the neighbouring properties. The small bathroom window to be replaced is at first floor level in the gable end which sits behind a wall. Having regard to this context and the limited visibility from the public domain I do not find that this replacement would be harmful to the significance of the Conservation Area.
12. The harm from the replacement of front windows to the Kinver Conservation Area as a whole would be less than substantial and in accordance with paragraph 208 of the National Planning Policy Framework (the Framework) the harm should be weighed against the public benefits of the proposal. The proposed windows have a high energy efficiency rating and there would be reduced maintenance. Nonetheless, great weight is to be given to the conservation of heritage assets and I consider that the changes proposed are

primarily a private benefit. Consequently, the benefits would not outweigh the harm to the designated heritage asset.

13. Thus, the replacement of the front windows would fail to accord with policies EQ3 and EQ11 of the South Staffordshire Council Core Strategy which seek the conservation and enhancement of the historic environment, and that development is of the highest quality with the design taking into account the local character and distinctiveness.

Conditions

14. With regards to the replacement rear window conditions are necessary for certainty in relation to the time scale for implementation and compliance with the plans.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the windows in the front elevation to the High Street and allowed insofar as the single replacement to the rear.

G Ellis

INSPECTOR