



Appeal Decision

Site visit made on 4 July 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/A2335/W/24/3338458

Kings Arcade, King Street, Lancaster, Lancashire LA1 1LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Edward Duckett of Duckett Building Services against the decision of Lancaster City Council.
 - The application reference is 23/00617/FUL.
 - The development proposed is described as 'Proposed replacement of timber sliding sash and casement windows to first and second floor front elevation windows with UPVC sliding alternatives'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal documents, there are additional details and images of the 'Ultimate Rose' uPVC sash window. In substance, these further details would not result in a different application. The Council's Officer Report suggests that details of the Ultimate Rose window were provided during the course of their consideration of the planning application, and it appears that interested parties were also aware of these details. As such, my consideration of this information would not prejudice any parties and so, I have determined the appeal, having taken this information into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Lancaster City Centre Conservation Area (CA).

Reasons

4. The appeal building consists of a three-storey, stone built property, positioned prominently at the junction of King Street, a principal route through the city centre, and Common Garden Street. The ground floor level is within commercial use, comprising an arcade of small shops with arched feature shop fronts, which I am advised are an intervention dating from the late 20th century. At first and second floor, the frontage appears largely unaltered, comprising 18 windows arranged symmetrically and diminishing in height at the upper floor, with timber sash windows of slender proportions, set within protruding stone surrounds. Other than quoin features, the building lacks any further decoration, providing a simple and refined façade above ground floor.

5. As the appeal site is situated within the Lancaster city centre CA, in accordance with the statutory duty set out in Section 72(1) of the Act¹, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
6. The Lancaster Conservation Area Appraisal² (the CAA), highlights that the area has a variety of buildings of differing styles reflecting the long evolution of the city. This includes its prosperity as a port in the 18th century, which funded public and private building of commercial premises and townhouses. Buildings are noted as being predominantly 2, 3 and 4 storeys, with a consistency of building materials, set up to the pavement, providing strong, continuous and positive frontages along the principal routes of a medieval street pattern. The significance of the CA derives in part from the aesthetic value of the many high quality historic buildings in the area, as well as their historic value in providing an understanding of the city's development.
7. The CAA recognises the appeal building to be a positive one within the CA. Although altered, its façade retains an architectural quality and historic fenestration and stonework, along with the traditional materials common to the CA. It forms part of the continuous built-up frontage along King Street, where the majority of the properties are historic and retain a high proportion of timber windows, doors or shopfronts. Combined, they have a strong sense of character that contributes to the significance of the CA.
8. In the context of the Framework, the appellant's Heritage Statement concludes that the replacement of the existing sliding sash windows with uPVC alternatives would result in less than substantial harm to the CA, due to the loss of timber as a traditional material. The Council reaches the same conclusion in respect to the level of identified harm.
9. The fenestration and materials of a building are important components in defining its architectural quality and history. The CAA recognises that at upper floors, most buildings within the CA retain their historic fenestration. The CAA highlights that changes, such as the introduction of uPVC, can accumulatively erode the appearance and character of historic buildings.
10. The available information suggests that a heritage style sliding sash window is proposed, which includes details such as decorative run through horns, a slim mid-rail, no visible seams or mitred joints, and moulded astragal bars, in order to replicate the style of the existing windows. However, while some dimensions of the proposed windows have been provided such as the measurements of the sashes, other measurements, such as those relating to the proportions of the frame and its positioning within the window opening, have not been provided at a sufficiently detailed scale. As such, I cannot be certain that the slender proportions of the existing timber windows would be appropriately replicated by the uPVC alternative.
11. Further, the use of uPVC, even incorporating a heritage style, would not mitigate the loss of timber as a traditional material. The proposed material has an engineered and artificial texture, and a more uniform and smooth finish, in comparison to painted timber windows. It would not weather or age in a similar manner to timber and so this modern material is likely to be perceptible, even

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

² Lancaster Conservation Area Appraisal, Character Area 3 - The City Centre, dated March 2013

at a higher level. The proposed windows would erode the appearance and character of this historic facade and consequently this would not preserve or enhance the character or appearance of the CA. I agree with the main parties that in the context of the Framework, this would amount to less than substantial harm.

12. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
13. In such circumstances, it is necessary to balance this harm against any public benefits. Reference has been made by the appellant and management company to problems associated with the existing windows, including a health and safety incident resulting from a sash dropping to the pavement requiring some units to be secured shut, high levels of condensation resulting in mould, draughts, and unsightly secondary glazing. The thermal qualities of uPVC windows and the energy saving that can result, is also highlighted by these parties. I note regular cleaning to reduce mould growth, use of anti-condensation paint, dehumidifiers and window vacuum cleaners. However, the problems with the existing windows are unsurprising if the units have mostly failed, as suggested. There is limited evidence before me to suggest that these existing issues could not be resolved and improvements secured by the repair and refurbishment of the existing timber windows, or their replacement by new windows of a traditional material.
14. I appreciate that the proposal is on a busy thoroughfare within the town and the building façade is up to the pavement. However, the arrangement of the building does not appear to be particularly different from other buildings along King Street in this regard, or many others in the city centre. There is little substantive evidence before me to demonstrate that access for maintenance is particularly difficult or unachievable, or that it is required more regularly, and is therefore more costly.
15. As such, the public benefits arising from the appeal proposal would not outweigh the great weight to be afforded to the less than substantial harm caused to the significance of the CA.
16. I therefore conclude that the proposal would harm the character and appearance of the host property and it would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would conflict with policies DM29 and DM38 of the Local Plan Part 2 DPD³, and policy SP7 of the Local Plan Part 1 DPD⁴, which collectively and amongst other matters, require that proposals contribute positively to the identity and character of the area through good design, having regard to the palate of materials, and that they preserve or enhance the character and appearance of conservation areas, by ensuring that proposals respect the character of the surrounding built form and its wider setting, including the materials used. Further, the proposal would not meet the requirements of the Framework in terms of conserving heritage assets in a manner appropriate to their significance.

³ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adoption Version July 2020

⁴ A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adoption Version July 2020

Other Matters

17. Both main parties' reference that the appeal property forms part of the setting of a number of listed buildings, albeit no harm to these heritage assets has been raised. I have not been provided with the listing descriptions for these buildings and the submitted Heritage Statement does not provide any detailed information relating to the significance of these listed buildings, or any significance derived from their setting. I am bound by the duty under section 66(1) of the Act, but given the lack of information before me, I am unable to reach any conclusions as to the effect of the proposal on the setting of these listed buildings. However, given my findings in relation to the main issue, it has not been necessary to seek further information in this regard.
18. The appellant considers that the new windows would appear identical to the existing windows and so questions whether planning permission is required. For the above reasons, I have not reached the same conclusion. In any event, there is no lawful development certificate before me, and I am required to determine the appeal based on the development applied for.

Conclusion

19. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR