



Appeal Decision

Site visit made on 2 July 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/T3725/W/24/3339205

12 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL

- 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 Tom O'Sullivan against the decision of Warwick District Council.
 - The application Ref is W/23/1598.
 - The development proposed is replacement of windows to first and second floor of east elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on both the application and appeal forms reference 'retrospective' this is not a form of development. I have removed words not in relation to acts of development.
3. The application form states that the development was completed in October 2023. I saw during my site visit the UPVC windows located on the first and second floor of 12 Augusta Place. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Leamington Spa Conservation Area.

Reasons

The significance of the CA

5. The appeal site is occupied by a former public house, now in use as flats, which is located within the Leamington Spa Conservation Area (CA). I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
6. The CA covers most of Royal Leamington Spa. Its significance derives in part from the historical character of circa 19th Century period properties with thin timber window frames. The period properties are in a typical 19th Century town gridiron layout. Given the importance of the relationship between the historic

properties on Augusta Place and the surrounding area, timber windows are a prominent feature which provide historical uniformity within the street scene. The timber frames ensure the historic character of the 19th Century buildings are maintained and preserve the historic character and appearance of the CA. Due to its design 12 Augusta Place makes an important contribution to the historic character and appearance of the CA.

The effect of the development on the significance of the CA

7. The appeal scheme replaces timber windows with uPVC windows to the first and second floor of 12 Augusta Place. The first floor of the property has a terrace and is served by french doors. The replacement of these french doors with uPVC draws the eye from the public highway. The frames of the doors are thick and heavy, and the hinges are cumbersome when compared to the thin timber frames which are a prominent feature of the CA. The windows on the second floor are also in similar casing to the french doors. The addition of uPVC windows on both the first and second floor results in an incongruous design. Consequently, despite the development replacing modern timber windows, it has diluted the historic character of the property. Due to the prominence of No 12 within the street, the development has also undermined the contribution it makes to the CA as a whole.
8. I have been referred to the state of repair of the previous windows at No 12 and an alleged lack of original architectural features in Augusta Place. However, the historical character of the street remains evident through the fenestration, the loss of which fails to preserve or enhance the character and appearance of the CA as a whole.
9. The appellant has also drawn my attention to properties in Augusta Place that have had uPVC windows fitted. I do not know the circumstances which resulted in these developments. However, the uPVC windows at Nos 1, 1a, 3, 16 and 20 are cumbersome within the context of the design of the properties, incongruous within the street scene and prominent from the street. Like the appeal scheme, the installation of uPVC windows at these properties is inconsistent with the prevailing character of each host property and the surrounding area, resulting in harm to the historical character and appearance of the CA. Consequently, their existence would not provide justification for a further development that I consider would also result in such harm.
10. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. The development fails to preserve the significance of the CA and given its scale, I find the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The appellant argues that the uPVC windows will ensure the longevity of No 12 both in terms of its use and its conservation. However, it has not been shown that such an enhancement could not be achieved by actions which would not be harmful to the building and the contribution it makes to the significance of

the CA. Thus, a clear and convincing justification has not been provided and this public benefit attracts limited weight.

12. Taking the stated benefit, the harm that would be caused to the character and appearance of the CA would be of greater significance. Hence, I conclude that, the proposal fails to preserve or enhance the character or appearance of the CA. This fails to satisfy the requirements of the Act, paragraph 206 of the National Planning Policy Framework and conflicts with policy HE1 of the Warwick Local District Plan 2011-2029 and RLS3 of the Royal Leamington Spa Neighbourhood Plan 2019-2029. These policies seek, among other things, to ensure developments are of a high-level design and that the design and materials both respect and assimilate with the historical fabric of the individual property as well as the local area.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR