

Appeal Decision

Site visit made on 18 June 2024

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/Q9495/C/23/3331911

Land at Oakbank House, Helm Road, Bowness-On-Windermere, LA23 3BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Louise Stewart of The Inn Collection Group against an enforcement notice issued by the Lake District National Park Authority.
 - The notice was issued on 13 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of building operations to install replacement window frames.
 - The requirements of the notice are to restore the land to its condition before the breach took place, by:
 - i) Removing the window frames from the openings which are outlined in red on attached Plan B from the south, west, north and east elevations of the land; and
 - ii) In those openings arising from compliance with step i), install timber framed windows of an appearance and method of opening that restore the land to its condition before the breach took place.
 - The period for compliance with the requirements is eight months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

The appeal on ground (a)

2. The appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. In doing so, the appellant seeks to retain the windows as currently installed.
3. The main issue in this case is the effect of the development on the host building, and whether it preserves or enhances the character or appearance of the Bowness Conservation Area.
4. Oakbank House is a large detached early-Victorian property that is prominently located at an elevated position above the centre of Bowness-on-Windermere, and within the Bowness Conservation Area (the CA). The

property provides additional letting rooms as part of the hotel accommodation offered by the nearby Angel Inn.

5. The significance of the CA is, in part, derived from the architectural and historic interest of the area's buildings, which include a number of well-preserved listed and non-listed historic buildings. These buildings provide good examples of typical provincial Victorian and Edwardian architecture, embellished with period details and features that reflect their historic origins, including traditional fenestration patterns and window designs.
6. The appellant refers to 'local precedent' in the area, citing a variety of differing window designs and patterns of fenestration in the surrounding area, such that there is no prevailing style that can be identified. Nevertheless, based on my own observations, the prevailing character is generally that of multi-pane, timber-framed units of varying design and scale. This variety results in a lively and interesting streetscene.
7. Whilst not a listed building, the Bowness Conservation Area Appraisal and Management Plan, 2011, (the BCAAMP) identifies Oakbank House as a building of special character. Despite some modern interventions and refurbishment works, I agree that it is a good example of a relatively unaltered historic building where its architectural style, form, detailing and building materials provide the streetscape with interest and variety. Furthermore, the appeal property provides a focal point in the descent from the Grade II listed Hydro Hotel. Thereby forming part of a significant view within the CA, allowing an appreciation of the historic and architectural character of the area at a point where the streetscape meanders down to the town centre and lakeside below. It is therefore apparent that the appeal property makes a significant positive contribution to the special interest of the CA.
8. The building's fenestration is a key element of its architectural style and appearance. From the evidence before me, the windows that have been removed were classic single-glazed, multi-pane, vertical sliding sash units, some flanked and headed with a decorative slim-paned border, and constructed with traditional timber frames, all of which were compatible with the age and style of the building. In these respects, they were important architectural components of the property which, although may not have been original, made an important contribution to the architectural merit of the building, and, in doing so, made a positive contribution to the character and appearance of the CA.
9. In particular, the multi-paned sash windows with decorative slim-paned borders, if not original, appear to have been of considerable age, and were of a somewhat unique design for the area. Accordingly, these windows were of significant architectural and historic interest, and so made an important contribution to the character and appearance of the CA.
10. The loss of the windows and their replacement with uPVC framed double glazed units has had a profound effect on the appearance of the building. Whilst they offer a more consistent appearance, the windows, as installed, make no attempt to replicate the multi-pane arrangement of the previous historic windows. Instead, they are of a bland utilitarian appearance with bulky frames, a modern opening mechanism, and a 1 over 1 pane arrangement that fail to respect the historic character and architectural

integrity of the building. Overall, they lack the architectural finesse, historic character, and high-quality craftsmanship that was evident in the previous windows.

11. Prior to this breach of planning control, the building had lost a number of its multi-pane timber-framed windows. However, that does not justify the loss of further traditional architectural features. Especially as the BCAAMP cites the use of inappropriate modern materials, such as the replacement of original timber-framed windows with uPVC, as adversely affecting many of the unlisted buildings in the CA, and therefore a key issue for the future conservation of the area.
12. Bringing all of these points together, I am not persuaded that the replacement windows, as asserted by the appellant, would not materially alter the external appearance of the building, or that they are suitable replacements. Instead, for the reasons I have set out, the development detracts from the architectural and historic interest of the building. It therefore follows that, as a building of special character that makes a positive contribution to the CA, the development harmfully erodes the character and appearance of the CA as a whole.
13. With reference to paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposed works, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
14. As a public benefit, it is suggested that the replacement windows have resulted in significant improvements to the thermo-efficiency of the building and have assisted to halt the decline of the building caused by damp ingress. To support that assertion, the appellant states that a survey of the building by chartered building surveyors informed the decision to remove the windows on the basis that the timber units were beyond viable repair.
15. However, I have not been presented with a copy of any survey to confirm the condition of the windows prior to their removal, or that they were the cause of any damp ingress. Even if I were to accept that the windows were beyond economic repair, the fact remains that the replacement windows are of an unsuitable design. Nor is there any substantive evidence before me to suggest that the installed uPVC framed windows would significantly outperform well installed and maintained multi-pane windows of a more appropriate design which could also meet current building, energy efficiency, security and fire safety regulations. Therefore, there is very little, if any, public benefit flowing from these assertions.
16. It has also been put to me that the windows have been installed as part of a redevelopment programme which represents a significant investment in the local economy, providing employment and economic activity. Nevertheless, it has not been demonstrated that the replacement windows were essential to ensure the viability of the property, or that in their absence economic activity or employment opportunities would be have been curtailed.

17. The Framework is clear that great weight is to be given to the heritage asset's conservation. Consequently, in this case, the harm I have identified is not outweighed by any demonstrable public benefit and therefore the proposal clearly conflicts with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.
18. Consequently, I find that the development is harmful to the architectural integrity of the host building, and it fails to preserve or enhance the character or appearance of the Bowness Conservation Area. Therefore, the development is contrary to Policy 07 of the Lake District National Park Local Plan 2020-2035, and the associated provisions of the Framework. Together these policies seek to conserve and enhance the significance of heritage assets and views of the historic environment.

Other matters

19. The appellant's examples of uPVC framed windows in the surrounding locality serve only to highlight the unsympathetic style and design of these modern features and the resultant harm to the character and appearance of the CA. Furthermore, there is nothing before me to confirm the lawfulness of the examples highlighted by the appellant. Therefore, these references do not provide weight in favour of the appeal.
20. My attention is drawn to the approval of uPVC framed windows in buildings associated with, and as part of extensions to, the nearby Grade II Listed Hydro Hotel. However, I do not have the full details of the circumstances which led to that approval before me or the benefits that may have accrued in that case. In any event, I have considered the appeal on its own merits and site-specific circumstances.

Conclusion

21. I have found the development to be harmful to the architectural integrity of the host building and, in doing so, it fails to preserve or enhance the character or appearance of the Bowness Conservation Area. In this regard, the proposal is contrary to the above cited policies of the development plan and no material considerations of sufficient weight have been advanced to overcome this.
22. Therefore, for the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J M Tweddle

INSPECTOR