



# Appeal Decision

Site visit made on 12 September 2024

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

**Decision date: 15 October 2024**

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**Appeal Ref: APP/M0933/W/24/3345856**

**Camden and Beacon Buildings, Kendal, Cumbria, LA9 4BH**

- 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 Beacon and Camden Management against the decision of South Lakeland District Council.
- The application Ref is SL/2023/0383.
- The development proposed is replacement of softwood stained timber windows with uPVC.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the proposal is in a conservation area and it would affect the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## Main Issue

3. Therefore, the main issue is the effect of the proposal on the appeal property and the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II\* listed building, "Church of Holy Trinity & St George" (Ref: 1318999) (the LB), and the extent to which it would preserve or enhance the character or appearance of Kendal Conservation area (the CA).

## Reasons

4. The CA covers an extensive area of land to either side of the River Kent, including the historic medieval core of the town. The appeal site is in the Town Centre North character area, which extends from the River to include buildings and plots to the north of Stramongate, and land and buildings to either side of Stricklandgate. It is a densely developed, mixed townscape characterised by generally tall and continuous building frontages, with deep burgage plots and later enclosed yards to the rear. Numerous lanes and passageways result in an intricate pattern of permeability. The area is unified by a cohesive palette of materials including limestone and sandstone, roughcast and smooth render, slate roofs and timber windows and doors. Given the above, I find that the significance of the CA, insofar as it relates to the appeal, to be primarily associated with the traditional materials.
5. The Camden and Beacon Buildings are early to mid 19<sup>th</sup> century converted warehouse buildings to either side of Yard 23. They are finished in random

- limestone rubble with slate roofs and timber windows and doors. The 4-storey Beacon building is prominently sited with its gable end, with windows and storied oriel, facing New Road. Its side elevation facing the Yard similarly features oriels and casement windows. The Camden building is 3-storey, smaller in scale and set back from the road, with a wooden first floor balcony, oriel and irregular windows some with historic timber lintels.
6. The Kendal Conservation Area Character Appraisal December 2007 (the CAA) identifies the 4-storey building as an unlisted building (non-designated heritage asset, NDHA) that makes a particularly positive contribution to the special architectural or historic interest of the CA. Taking into account the relationship between the appeal buildings, and that they are both well-preserved, I find their distinctive appearance, historic fabric and traditional materials contribute to their significance as early industrial townscape buildings.
  7. The LB fronts onto New Road and it is a Roman Catholic church dating from 1835. It is constructed in ashlar on a chamfered plinth with stepped buttresses to each corner. Its front elevation includes stone steps leading up to a studded, plank door with pointed head under hoodmould, with 3 stepped lancets above and single lancets in each side bay. The special interest of the LB, insofar as it relates to the appeal, is associated with its architectural interest, strong vertical emphasis and imposing presence in the townscape.
  8. The proposal would be the replacement of the existing wooden casement windows with dark brown uPVC casement windows. The wooden window frames and the tongue and groove timber-boarding to the oriels would be replaced with uPVC frames and uPVC weatherboarding. However, uPVC is an inauthentic, modern material that would be out of keeping with the traditional materials that characterise the historic buildings and the CA. In this regard, the CAA makes numerous references to PVCu windows including that they detract, cause harm to appearance, and buildings are described as being tarnished, much weakened or spoiled by uPVC windows.
  9. Notwithstanding the wood grain effect, the uPVC would have a more uniform and even finish than painted wood with its natural, irregular grain and surface imperfections. Also, uPVC would not age or weather in the same way as wood. The artificial and contemporary appearance of the proposal would be clearly distinguishable from wood and it would be discordant in the context of the historic and natural materials of the buildings. Taking into account the number of windows and the extent of boarding, the proposal would not be sympathetic to and it would detract from the well-preserved historic character and appearance of the Camden and Beacon Buildings. The proposal would not contribute positively to local distinctiveness or sense of place.
  10. Irrespective that the proposal would not affect the ground floor of the Beacon Building, the uPVC windows and extensive boarding would be readily visible in passing along New Road or through the yard to and from Stramongate. The harm to the appeal buildings would diminish their strong contribution to the CA. Consequently, and as the proposal would have at least a moderate degree of prominence, it would be capable of harming the wider character and appearance of the CA.
  11. The appeal site is adjacent to the LB, being separated from it by a low wall, vehicular access and mature tree canopies. The proposal would be a change within the setting of the LB. However, taking into account the existing situation

and surrounding context, the change would not harm the special architectural and historic interest of the LB.

12. My attention has been drawn to planning permission (ref SL/2021/0549) for, in part, replacement windows at 14 Aynam Road, an unlisted building in the CA. uPVC was accepted in that case because, among other things, the proposed sliding sash windows were of a form, proportion and design more in keeping with the age and character of the dwelling and the area than the existing windows. With reference to South Lakeland House, the CAA states that it is a weakly conceived infill frontage from the late 1980s that is harmful to the character of the CA. Neither is directly comparable to the appeal and they do not provide a justification for it.
13. Given the above, I find that the proposal would fail to preserve the significance of the NDHA and the CA. Consequently, and with particular regard to the designated heritage asset, I give this harm considerable importance and weight in the planning balance of the appeal.
14. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Given the nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 208 goes on to advise that this harm should be weighed against the public benefits of the proposal.
15. The appellant is of the opinion that the proposal would be beneficial because it would remove the need for the regular and costly maintenance of the existing wooden frames and boarding, including the need for scaffolding. I understand that these costs, although not specified, are passed on to the occupiers. Even so, this is private benefit and not sufficient to outweigh the harm that I have identified. There is little evidence that the continued viable use of the appeal buildings is dependent upon the proposal, as the ongoing residential use would not cease in its absence.
16. Given the above, I conclude that, on balance, the proposal would fail to preserve the significance of the non-designated heritage asset and the character or appearance of the Kendal Conservation Area would be neither conserved nor enhanced. With regard to the latter, this would fail to satisfy the requirements of the Act and paragraph 205 of the Framework. The proposal would conflict with policies CS1.1 and CS8.10 of the South Lakeland District Council Core Strategy Adopted October 2010 and policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies DPD Adopted March 2019. These seek, among other things, to ensure that proposals at least preserve heritage assets, safeguarding the essential character and appearance of buildings that make a positive contribution to conservation areas; using materials that maintain or enhance the quality of the townscape, having regard to local vernacular and local distinctiveness. As a result, the proposal would not be in accordance with the development plan.

### **Other Matters**

17. I note the appellant's concerns in relation to whether or not the Council's conservation officer had seen the supporting heritage statement. However, the heritage statement does not adequately describe the significance of the

heritage assets nor was the relevant historic environment record apparently consulted, which are minimum requirements set out in Framework paragraph 200. This is not a matter that alters my conclusion on the main issue.

**Conclusion**

18. For the above reasons and having regard to all other matters raised, I conclude that the appeal conflicts with the development plan and there are no material considerations that would outweigh that conflict.
19. Therefore, I conclude that the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR