



Appeal Decisions

Site visit made on 10 December 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/D0515/W/24/3337193

8 Delph Street, Whittlesey Cambridgeshire PE7 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by MJW Property Services against the decision of Fenland District Council.
 - The application Ref F/YR23/0898/F was approved on 22 December 2023 and planning permission was granted subject to conditions.
 - The development permitted is Erect a rear extension to existing dwelling involving the demolition of existing extension and other alterations including replacement of the front elevation windows.
 - The condition in dispute is No 3 which states: Notwithstanding the submitted details before any works to replace the windows commences details of the replacement windows (retaining the existing stone cills and proposed profiles of the new windows) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details and the windows shall be retained in that form thereafter.
 - The reason given for the condition is: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan (2014).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my banner heading above I have taken the description from the Council's decision notice.
3. As the appeal site lies within a conservation area and is proximate to a listed building, No 10 Delph Street, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 13 December 2024. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
5. There is another appeal¹ being considered at the same site. That appeal is the subject of a separate decision.

¹ APP/D0515/W/24/3351994

Background and Main Issue

6. Planning permission for a rear extension to existing dwelling involving the demolition of existing extension and other alterations including replacement of the front elevation windows included a condition (No 3) for details of replacement windows to be submitted to and agreed in writing by the local planning authority. The reason for the condition is to safeguard the visual amenities of the area. The appellant seeks to remove this condition as they consider that details of the proposed windows were provided during the processing of the application.
7. At the time of my site visit I noted that the windows *in situ* did not reflect the photographs submitted in evidence annotated '*Site photo before modernisation/application*'. It is not for me as part of this appeal to consider whether the windows are acceptable.
8. The main issue is whether the condition is reasonable or necessary in order to protect or enhance the character or appearance of the Whittlesey Conservation Area (CA).

Reasons

9. The appeal property is set within a residential area within the Whittlesey CA. The CA covers the historic core of the rural market town and comprises a commercial centre and surrounding residential development. I observed a mix of different periods of buildings along the length of Delph Street, including many later 20th century properties.
10. No 8 Delph Street is a two-storey double fronted villa. It retains its symmetry with 6 over 6 sash windows at first floor level. The property has early 19th century origins but has been altered, understood to be probably in the 1920's with bay windows added. The photographs submitted in evidence, indicate that these windows included decorative leaded glazing and slim framed sash windows. Due to its age and architectural details, the appeal property makes a positive contribution to the character and appearance of the CA. As a building of historic interest within the CA the appeal property is regarded by the Council as a non-designated heritage asset (NDHA) under the terms of the Framework.
11. Across the CA it is noticeable that many original windows have been replaced by uPVC frames. These replacement frames with their uPVC material, often with different glazing frame proportions, appear in general to be visually disruptive to the character of the buildings.
12. Amongst other things, Policy LP16 of the Fenland Local Plan Adopted May 2014 (Local Plan) requires development to protect and enhance any affected heritage assets and their settings.
13. The planning application form indicates that the proposed windows would be uPVC in a style to match including glazing bars and mullions. Whilst some further details appear to have been discussed with the Council's Conservation Officer, such details are not before me. Accordingly, due to the lack of clarity to some elements of the replacement windows, in particular their profile, there is insufficient detail to determine if the replacement windows would reflect the character of the area.

14. My attention has been drawn to examples in the locality of uPVC windows. I have not been provided with details as to why these buildings contain the use of uPVC, which may have been installed without consent, or potentially before designation of the CA. I note the Whittlesey Conservation Area Appraisal (March 2018) and Whittlesey Conservation Area Management Plan (March 2018) do not preclude the use of uPVC on non-listed buildings provided they replicate the profiles as much as possible and a foil finish. Nevertheless, in the circumstances of this appeal it is not for me to consider whether the windows are satisfactory.
15. The adjacent property, No 10, is a Grade II listed building dated 1768. The significance of the listed building is derived in part from its age, surviving historic fabric and its relationship to the evolution of the settlement. Although there have been recent developments proximate to the listed building, nevertheless, the appeal property contributes to the streetscene that is part of the setting of the listed building.
16. In the absence of precise details, I cannot be satisfied that replacement windows would preserve the setting of the Grade II listed building.

Other Matters

17. The appellant's assertion that the existing windows were rotten and decayed, or that the property has stood vacant for a considerable length of time is not disputed. The appellant has suggested that the public benefits of the scheme would be that the proposed uPVC windows would be of an improved appearance than the existing windows and an improved environmental impact than single glazed windows. It is also stated that the installation of windows would have some economic benefits in the short-term employment of labourers. I note the support from local residents for the replacement windows. However, these matters are not determinative to the main issue in this appeal.

Conclusion

18. For the reasons stated above, having regard to the context of the appeal property, as a NDHA located within a CA and adjacent to a Grade II listed building, I find that the disputed condition is reasonable and necessary in order to protect or enhance the character or appearance of the Whittlesey Conservation Area, having regard to policy LP16 of the Local Plan.
19. The appeal is therefore dismissed.

R Gee

INSPECTOR