
Appeal Decision

Site visit made on 28 January 2025

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2025

Appeal Ref: APP/P1045/W/24/3353909

Flat 2, 2 Dale Road, Matlock, Derbyshire DE4 3LT

- 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 Rhuari McClure against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00686/FUL.
 - The development proposed is the replacement of all windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form but I have excluded superfluous information that is not an act of development.
3. The Council's appeal statement refers to Listed Building Consent ("LBC") for the proposal. However, the building is not listed, and the planning application form did not seek LBC. I have therefore determined the appeal on this basis.
4. Since the planning application was determined, a revised National Planning Policy Framework ("the Framework") has been published. Therefore, I have referenced the revised paragraph numbers where necessary.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the significance of the Matlock Bridge Conservation Area ("CA").

Reasons

6. The appeal building is within the CA. I therefore 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 that area.
7. The CA comprises part of Matlock town centre including the River Derwent and Matlock bridge; the open spaces along either side of the river; Matlock Station, railway bridge and line; and two mixed commercial and residential areas surrounding Dale Road and Crown Square. The buildings are predominantly two and three storeys in height, constructed of stone and directly adjoin the pavement with shop fronts to the ground floor. Timber framed windows and shop fronts are a

predominant character of the area surrounding the appeal site. The significance of the CA derives from its historical and aesthetic values.

8. The appeal site comprises the first floor of a two-storey building. The building is sited on the corner of Dale Road and Snitterton Road. The building has a curved frontage that follows the back edge of the pavement and is constructed of stone. The building's ground floor is used for commercial purposes, while the upper floor and roof space are in residential use. The building's windows have stone surrounds with stone mullions which add to the building's character and appearance. The building, due to its corner location, is prominent within the surrounding area and makes a positive contribution to the CA.
9. It is proposed to replace the existing timber framed single glazed windows within the first floor of the building with uPVC framed double glazed windows. Drawings of the existing and proposed windows were not submitted with the planning application. Instead, photographs of the existing windows and a window company's brochures showing the "flush sash window"¹ have been provided.
10. From the photographs before me and what I witnessed on site, the existing windows comprise single panes of glass surrounded by a narrow timber frame. The appellant asserts that the proposed windows would have a narrower frame than the existing windows. However, this has not been substantiated with evidence. Furthermore, the pictures of the "flush sash window" within the brochures appear thicker and bulkier than the existing window frames and therefore, would detract from the building's character and appearance.
11. The appellant asserts that there are other "standard looking uPVC windows" within the CA. However, I have not been directed to any examples and I was unable to locate any uPVC windows within the immediate vicinity of the appeal site when undertaking my site visit. The insertion of uPVC windows within the upper floors of the appeal building would therefore appear incongruous in the surrounding area.
12. I acknowledge the condition of the existing windows requires them to be replaced, and that single glazed windows can be inefficient in preventing noise disturbance from vehicle traffic and surrounding uses. An Energy Performance Certificate for the appeal building states the windows have a very poor energy efficiency rating and should be replaced with low-E double glazed windows. Also, I have been directed to Part K of the Building Regulations 2010 whereby Part K4 requires untoughened glass to be above 800mm from the floor. However, I am not persuaded that these issues could not be overcome by timber framed double glazed units.
13. I accept that timber windows are likely to require more maintenance than uPVC windows and scaffolding would have to be erected for this to be undertaken, which could increase costs. However, it has not been demonstrated that any associated maintenance costs would be prohibitive to the insertion of timber windows.
14. For the reasons detailed above, the proposal would harm the significance of the CA and would not preserve or enhance its character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the

¹ "Love Your Home...Love Liniar" and "Traditional vs. contemporary: the Liniar Flush Sash window system"

Framework, I must weigh the less than substantial harm against the public benefits of the development.

15. Improvements to the living conditions of the occupiers of the appeal property and a reduction in maintenance and maintenance costs would be private rather than public benefits. Furthermore, I am not persuaded that safety concerns from untoughened breaking glass falling on pedestrians walking along the pavement below could not be overcome by inserting timber framed double glazed units. Any disruption to pedestrians and vehicles while scaffolding is erected, dismantled and in-situ for the maintenance of timber windows would be for a temporary period and likely to be infrequent. I therefore afford this matter limited weight.
16. Given the great weight I must attach to the conservation of the CA, the harm I have found in respect of the effect of the proposal on the significance of the CA would not be outweighed by the limited public benefits I have identified.
17. In reference to the first main issue, the development would harm the character and appearance of the surrounding area, including the CA. It would conflict with Policy PD2 of the Adopted Derbyshire Dales Local Plan, adopted 2017 ("LP") which, amongst other things, seeks to conserve heritage assets in a manner appropriate to their significance; requiring proposed development that affect a heritage asset including alterations to existing buildings to demonstrate how the proposal has taken account of design, the use of appropriate materials and detailing in order to ensure that the design is holistic, sympathetic and minimises harm to the asset.

Other Matters

18. Matlock bridge is located a short distance to the northeast of the appeal site. It is a Grade II* listed building and a scheduled monument. Accordingly, I have a statutory duty under Section 66(1) of the Act to pay special regard to the desirability of preserving the setting of this listed building.
19. The bridge was constructed in the 15th century and consists of four pointed arches stemming across the River Derwent. It was restored and widened in 1904. The bridge's setting comprises the open space to the riverbank surrounded by the built development of Matlock town centre. The appeal site and the listed building are separated by intervening buildings and the small scale of the proposal would ensure that it would not harm the setting of the listed building.

Conclusion

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

A Berry

INSPECTOR