



Appeal Decision

Site visit made on 12 March 2025

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

Appeal Ref: APP/D4635/W/24/3350452

5 Bridgnorth Road, Wolverhampton WV6 8AB

- 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 Kevin Twigger (KRT Properties) against the decision of the City of Wolverhampton Council.
 - The application Ref is 24/00420/FUL.
 - The development proposed is replacement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
3. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.

Main Issue

4. The main issue is whether the proposal would conserve or enhance the character or appearance of the Staffordshire, Worcestershire and Shropshire Union Canal Conservation Area, and the effect on the character and appearance of the non-designated heritage asset.

Reasons

5. The appeal site is located within the Staffordshire, Worcestershire and Shropshire Union Canal Conservation Area (CA). The portion of the canal that runs past the site includes former industrial buildings, dwellings, and stretches of trees and vegetation. From my observations on site and the details before me, the significance of the CA lies, in part, in its development linked with the important transportation routes and connection to the industrial past of the area.
6. The appeal building is situated next to the canal and has an end gable facing the Bridgnorth Road. The building is around three-stories in height, reducing to two-stories at its rear. It is characterised by its linear form, red brick facades and timber-framed bay window features to the front and back elevations. The existing fenestration mainly comprises timber-framed sash windows arranged in a

regimented pattern. The Council considers it to be a non-designated heritage asset, and I see no reason to disagree.

7. The significance of the appeal building lies, in part, to its connection to the industrial past of the area as a result of the canal. It makes a positive contribution because it is consistent with, and reinforces, the architectural and historic interest of the conservation area as a whole. Indeed, it has a particular value because of its close position and historic link to the canal.
8. The proposal seeks to replace several of the existing timber-framed sash windows with uPVC alternatives. However, uPVC is an inauthentic, modern material that would fundamentally clash with the traditional materials that characterise the historic building. Timber, with its natural grain, subtle surface imperfections, and the ability to develop a rich discolouration over time, contributes to the building's historic merit. In contrast, uPVC would have a uniform, synthetic appearance that remains static and lacks the depth, texture, and aging qualities that make wood an integral part of the building's aesthetic.
9. Even with a wood grain finish, the uPVC windows would still fail to replicate the authentic appearance and character of traditional timber-framed windows. The repetitive grain pattern would lack the natural variation and depth of real wood. Furthermore, the plastic-like finish of uPVC would stand out harshly against the weathered historic brickwork, disrupting the building's architectural harmony.
10. Consequently, the proposed windows would appear conspicuously modern and incongruous. It would detract from the well-preserved historic character and appearance of the building, undermining its architectural integrity.
11. The appellant maintains that the proposal would replace the existing windows with new windows of the same style and proportions. Whilst elevation plans and brochures of the proposed windows have been provided, the appellant has not undertaken any kind of comparison between the exact dimensions of the existing and proposed windows. It is likely that the frames and glazing bars would be chunkier than that found on the traditional timber-framed windows. Thus, the proposal would alter the building's character and erode its historical authenticity.
12. Taking into account the building's positioning, height, and the number of windows, the proposed uPVC windows would be readily visible from the canal and also from the road bridge. This would be particularly so for pedestrians crossing the bridge and accessing the canal towpath.
13. Consequently, due to its degree of prominence, it follows that the identified negative effects to the non-designated heritage asset would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.
14. I acknowledge that there are buildings nearby and within the CA that have uPVC windows. Nevertheless, I have not been presented with any planning history for these properties and so it is not clear to me whether these replacement windows were granted planning permission or not. Retaining the timber-framed sash windows in the appeal building would help preserve its authenticity and ensure that its character remains intact, rather than further contributing to the gradual loss of historic character in the area.

15. Drawing the above together, I find that the proposal would not preserve or enhance the character or appearance of the CA. It would also cause unacceptable harm to the non-designated heritage asset. Within the overall context, the proposal would lead to less than substantial harm to the significance of the conservation area.
16. The Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework also states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to less than substantial harm to its significance.
17. In addition, the effect on the significance of the building as a non-designated heritage asset requires a balanced judgement having regard to the scale of any harm and the significance of the asset.
18. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposed windows along with the general investment into the property. However, the contribution would be modest given the scale of the scheme.
19. The appellant suggests that, unlike timber-framed windows, uPVC windows would require no maintenance before replacement. By replacing the existing windows with uPVC windows, scaffolding would need to be erected less frequently causing less disturbance to the public when using the canal towpath. These would represent a small benefit to the public and therefore carries modest weight in favour of the appeal.
20. The appellant implies that the existing windows are deteriorating and not fit for purpose, and do not conform to current building regulation standards. They also state that the proposed windows would have a longer lifespan and provide a better environmental performance than the existing windows or similar timber windows. Nevertheless, I have not been provided with any compelling evidence in this regard.
21. I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the heritage assets. Additionally, there is no compelling evidence that the continued viable use of the appeal building is dependent upon the proposal, or that its future would be at risk if the appeal were to fail and the works as proposed were not implemented.
22. Therefore, in this instance, the small public benefits, even when taken collectively, do not outweigh the identified material harm to the heritage assets.
23. I conclude that the proposal would fail to preserve the significance of the non-designated heritage asset, and the character or appearance of the CA would neither be preserved or enhanced. It would therefore fail to satisfy the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies ENV2 and CSP4 of the Black Country Core Strategy (adopted 2011) and saved Policy D9 of the Wolverhampton Unitary Development Plan (adopted 2006) (UDP). These policies, amongst other things, seek to ensure developments protect and promote the special qualities,

historic character and local distinctiveness and make a positive contribution to the locality.

24. The Council's decision notice refers to Policies HE13 and HE14 of the UDP. However, these policies relate to listed buildings and are therefore not relevant to this appeal.

Other Matters

25. My attention has been drawn to a residential building granted planning permission in 2011 (ref: 11/00568/FUL), also located in the CA. uPVC was accepted in that case because, amongst other things, the proposal was for a new development. I also observed that this building is set further back from the canal unlike the appeal property which sits immediately behind the canal towpath. It is therefore not directly comparable to the appeal, which relates to a non-designated heritage asset. Therefore, it does not provide a justification for the proposal and does not alter my decision.
26. My attention has also been drawn to the high court challenge South Lakeland District Council vs. Secretary of State for the Environment. I have not been provided with the full details of this case. However, for the reasons given above, I have found that the proposal would not preserve or enhance the character or appearance of the CA.

Conclusion

27. There are no material considerations that indicate this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal is dismissed.

H Smith

INSPECTOR