
Appeal Decision

Site visit made on 20 May 2025

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/P0240/W/24/3342846

19 Church Square, Toddington LU5 6AA

- 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 Nadeem Rathore against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01645/FULL.
 - The development proposed is the installation of replacement windows
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although I have had regard to the longer description found on the application form, that used above adequately describes the development before me.

Main Issue

3. The main issue is whether the development fails to preserve the character or appearance of the Toddington Conservation Area, fails to preserve the setting of nearby listed buildings, and causes harm to the significance of these assets, and, if it does, whether any public benefits exist to outweigh that harm.

Reasons

4. The significance of the Toddington Conservation Area lies partly in it comprising a good example of a rural settlement that has grown up organically across many centuries. This is apparent in its character and appearance, as it contains a range of buildings of various sizes, styles and layouts that reflects Toddington's evolution over time.
5. The appeal property was constructed nearly 200 years ago as a public house, and its age and status are clear still in its external detailing, especially around the windows and doors, and at eaves level. It is in the heart of the conservation area, and, with its striking central gable feature, it is a prominent property, standing on the outside of a slight bend and immediately at the back of the pavement. Together, these factors mean its frontage is highly visible whether approaching from the north or the south. Moreover, when coming from the south, the side elevation can also be seen over the gardens to the neighbouring alms houses. As such, although not listed, and so less sensitive to change, it nonetheless enhances the character and appearance of the conservation area, and has understandably been identified as a '*positive contribution building*' in the Council's *Toddington conservation area appraisal*.
6. The windows subject of this appeal have already been installed. They are of uPVC, and comprise a top horizontal glazing panel with 2 vertical panels of glass below, separated by a 'T' shaped arrangement of bars. I consider that the thickness of the

window bars/surrounds and their arrangements, when taken with the particular finish of uPVC used, mean this treatment of the windows sits uncomfortably on this property, and fails to reflect its history or the role it plays in complementing the historic surroundings. As such, the window treatment before me does not reinforce the local distinctiveness of the conservation area, but rather causes less than substantial harm to its significance and fails to preserve its character and appearance. Due to the building's prominence and nature, I find this to be within the lower to middle range of such harm.

7. In coming to this view, I accept that there is a great diversity of window styles and forms across the conservation area. This though is to be expected in a settlement that displays such a range and variety of buildings from over the centuries. Many of the window treatments contribute positively to this diversity by being of the style that was favoured at the time each particular building was constructed. Some of the treatments may well be later additions, and I accept that newer elements or different styles need not necessarily be harmful, but this is dependent upon them sitting comfortably within their historical context.
8. There are some uPVC windows already in the conservation area, though I am unaware as to when, if at all, these received planning permission. The application of uPVC can take many forms, and so I raise no objection in principle to its use. I also accept that the existing uPVC windows at other properties are now part of the conservation area's character and appearance. However, for similar reasons given to the windows now before me, I consider their contribution in this regard is often not positive. Consequently, in this instance their presence does not justify allowing additional harm by accepting further windows of inappropriate design and material on such a prominent building.
9. Turning to the effect on the settings of adjacent listed buildings, the Grade I listed Church of St George is on the opposite side of the road. Its significance and its special architectural and historic interest lie partly in it being a striking and dominant building that has been the visual and spiritual focus of this rural community for many hundreds of years. Therefore, whilst in one sense its setting is village-wide, ensuring its landmark role is retained, more locally its setting is defined most strongly by the graveyard. Given this, and taking into account the visual relationship between the 2 buildings, I consider that the works to No 19 do not harm the setting of this church.
10. However, immediately abutting the northern side of the appeal property is 21 Church Square, which is an individually designed cottage that is Grade II listed and dates from the 17th Century. Insofar as this appeal is concerned, its significance and special architectural and historic interest lie in it being a simple dwelling of some age, and this is reinforced by the detailing that is readily apparent on its front elevation, which reflects when it was built. Moreover, I consider this significance is enhanced by it being located within an apparent terrace of buildings of various ages that maintain their historic integrity, thereby giving it a suitable context. By seeking to introduce a discordant window treatment of this design and nature immediately next door at No 19, the appeal before me diminishes, to some extent, the historic context and appreciation of this listed building, and so causes less than substantial harm to its significance, albeit towards the lower end of the range of such harm.
11. Accordingly, I conclude that the works do not preserve the character or appearance of the conservation area and also fail to preserve the setting of No 21, so causing less than substantial harm to the significance of each of these designated heritage assets.
12. The *National Planning Policy Framework* (the Framework) states that heritage assets are an irreplaceable resource, and great weight should be given to an asset's

conservation. It adds that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, if less than substantial harm is caused to its significance, that harm should be weighed against the public benefits.

13. The appellant has said that the previous windows were in disrepair, and there was a need to ensure adequate ventilation in line with NHS requirements for this dentists' surgery. He was also seeking a quieter, warmer, more energy-efficient environment for his patients, as well as improving the building's security.
14. I have no reason to question that the previous windows were in a poor condition, although, not having seen them, I am not in a position to find the windows now in place represent an improvement to the conservation area. Indeed, even if those previous windows had an adverse effect because of their state, it is possible that these new windows introduce harm of a different nature.
15. I also note the desire for ventilation, for better security, for increased energy efficiency, and for improved wellbeing for those in the property. However, aspirations such as these often arise in connection with historic buildings and have to be balanced against any adverse effects they may have. To my mind, achieving these aspirations would not outweigh the harm resulting from the nature and design of window treatment now proposed, and the need for these aspirations would not justify this treatment in the light of my concerns. Reference was made to the constraints arising from existing fixed cabinets in the surgery, but these are modern elements and I see no reason why their presence should outweigh my views about the works' impact on the historic environment. Therefore, whilst I attribute weight to these matters, this is insufficient to outweigh the great weight I afford to the conservation of these 2 designated heritage assets.
16. It was also suggested that I could impose a condition to require the windows be modified to mitigate any harm I found. Given my concerns though, this would involve a fundamental change to the development before me, and I consider such a condition would quite probably be imprecise and would not necessarily make an unacceptable development acceptable.

Conclusion

17. Accordingly I conclude the works do not preserve the character or appearance of the conservation area, and fail to preserve the setting of No 21, causing less than substantial harm to the significance of each. Affording this harm great weight, and in the absence of any public benefits to outweigh it, the works conflict with Policies HQ1 and HE3 of the *Central Bedfordshire Local Plan* and the Framework, which, where possible, seek development that responds positively to its context and preserves, sustains and enhances the special character, significance, appearance and/or special architectural or historic interest of designated heritage assets. I therefore conclude the appeal should be dismissed.

JP Sargent

INSPECTOR