



Appeal Decision

Site visit made on 26 August 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/C3240/C/25/3358766

7 Bell Street, Wellington, Telford TF1 1LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ian Marshall of I M Property Ltd against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 17 December 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of 11no. UPVC windows and the installation of 1no. UPVC door and 1no. UPVC dormer window.
 - The requirements of the notice are:
 1. Remove the no.11 UPVC windows marked 1-11 as shown in Appendix 1 and reinstate timber sash windows as previously existed to match the design shown in Appendix 2 and plan ref. 1210 0 D 01 A attached to planning permission W2007/1009.
 2. Remove the no.1 UPVC dormer window and no.1 UPVC door on the eastern elevation or reinstate the no.1 dormer window and no.1 door in line with the full details approved by TWC/2021/0331.
 3. Dispose to a place of authorised disposal all UPVC and composite materials from the land.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) the deemed planning application

2. The main issue is whether the UPVC windows, door and dormer window preserve or enhance the character or appearance of the Wellington Conservation Area (WCA).
3. The significance of the WCA is in part derived by its long history as a market town, with a character shaped by its medieval origins. The WCA encompasses the historic centre of Wellington, with a traditional street layout including a central market square and a high concentration of Victorian and Edwardian architecture such as shops, pubs, and terraced houses. The qualities and character of the area derive from the variety in building age, height, scale, and form.
4. In the WCA appraisal and management plan¹ the replacement of wooden sash windows with aluminium and UPVC frames and different window bars is noted as a problem.

¹ Telford and Wrekin Council Wellington Conservation Area Appraisal and Management Plan 2022

5. The appeal property is a mid-late 19th century brick building in Flemish bond consisting of three storeys with a ground floor retail space and glazed shop front facing Bell Street, and upper floors which have been used for residential and storage purposes. The building evidently had a pleasing traditional appearance and as a retail premises within the town, makes a positive contribution to the significance of the WCA.
6. The UPVC windows have an engineered, shiny, and modern appearance which does not reflect nor respect the character of the previously existing traditional painted timber windows, particularly in respect of their detailing and slim profiles and the patina associated with the grain of painted timber. In the absence of contrary explanation, the door, although of straightforward design does not respect nor reflect the architectural or historic character of the building. For these reasons, the windows and door adversely affect the traditional integrity of the appeal building and consequently do not preserve or enhance the character or appearance of the WCA.
7. Under ground (f) the appellant suggested adding Georgian style bars to the existing front windows. However, this would not overcome the harm in respect of the material and detailing of the frames.
8. I have had regard to the appellant's photographs and observed at my visit other UPVC windows and doors in the WCA, which it appears the Council might have been able to control but have not done so for whatever reasons. However, the slow degradation of the special architectural and historic qualities of the area by uncontrolled UPVC windows and doors does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole.
9. The Council referred to harm to the settings of several listed buildings of local interest. However, no details, nor any assessment of such buildings was provided. Based on the WCA appraisal, the nearest listed building is located on the corner of Bell Street with New Street. Given the separation between the buildings, I consider there is no harm to the setting of that listed building and no conflict with policies BE4 and BE5 of the Telford and Wrekin Local Plan 2011 – 2031 Adopted January 2018 (Local Plan) in this respect. However, this is a neutral matter that cannot outweigh the harm to the WCA.
10. In terms of the phraseology used in the National Planning Policy Framework the harm identified to the significance of the WCA, which is a designated heritage asset, is less than substantial. Nevertheless, any harm to such assets should require clear and convincing justification. This requires a balancing exercise of harm against the public benefits of the proposal.
11. I acknowledge the investment the appellant has made in the property and the financial challenges which small businesses face. However, and whilst UPVC double glazed windows may provide a more cost-effective way of making energy savings, in the absence of substantive evidence that the previous windows were beyond repair, or that the replacement windows are the only way in which the required efficiencies and savings could be achieved, this is a matter of little weight.
12. Consequently, the public benefits do not outweigh the great weight that should be given to the designated heritage asset's conservation. I conclude that the

installation of the UPVC windows and door does not accord with the design and heritage protection aims of policies BE1 and BE5 of the Local Plan. They also fail to accord with national policy which seeks to conserve and enhance the historic environment.

Other Matters

13. I have had regard to the images which show the condition of the land at the rear of the property and acknowledge the appellant's last tenant vacated due to anti-social behaviour taking place to the rear. However, whilst I note the appellant's misgivings about the Council's action in respect of the removal of the gates to the alleyway, the time taken to respond to emails and how they dealt with complaints about anti-social behaviour, this and the alleged inequalities in the way action has been taken, have no bearing on the planning merits of the windows and door subject of the appeal.

The appeal on ground (f)

14. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a) or to remedy injury to amenity (s173(4)(b)).
15. The notice requires that the windows be removed and replaced with windows to match those previously existing, and that the dormer window and door are either removed or altered in accordance with planning permission reference TWC/2021/0331. Its purpose is therefore to remedy the breach of planning control.
16. Since the requirements would do no more than to seek to achieve the purpose of the notice, to remedy the breach of planning control, they are not excessive. The ground (f) appeal fails.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Felicity Thompson

INSPECTOR