



Appeal Decision

Site visit made on 27 May 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/Q9495/C/25/3374745

Old Bank House, Lake Road, Ambleside, LA22 0AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Charles Bambridge (Willow Securities Limited) against an enforcement notice issued by Lake District National Park Authority.
 - The notice was issued on 10 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of building operations to install replacement window frames.
 - The requirements of the notice are to restore the building to its condition before the breach took place by; i) removing the window frames from the openings in the west and east elevations of the building, which are outlined in red on the photographs included in Appendix B; and ii) in those openings arising from compliance with step i), install timber framed windows of an appearance and method of opening that restore the land to its condition before the breach took place. Photographs of the building before the breach took place are included in Appendix C.
 - The period for compliance with the requirements is 12 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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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.

Preliminary Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining this appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below for the ground (a) appeal deemed planning application.

Ground (a) appeal and the deemed planning application

Main Issue

3. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged

in the notice. I have considered the reasons for issuing the notice and the main issue is whether the window frames identified in a red colour in the photographs in Appendix B of the notice preserve or enhance the character or appearance of Ambleside Conservation Area (CA), and whether the landscape and scenic beauty and cultural heritage of the Lake District National Park have been conserved and enhanced.

Reasons

4. The appeal site falls within the CA. It is located on Lake Road and occupies a prominent position on a narrow street. The traditional Victorian building includes the Old Bank House Chocolate shop on the ground floor, and Old Bank House flats 1-5 above. The flats extend over Mr H's Tearoom. To the front of the building, the timber windows on the first and second floors have been replaced with new uPVC casement windows. The first-floor oriel window, which is a distinctive and characterful feature, has also been replaced with uPVC frames. To the rear, which is visible from King Street, uPVC frames have been installed on all four floors of the building. While such windows were previously of mixed style it is not disputed that they were finished in a timber material.
5. While the appeal building is not listed, it is nevertheless included in the Ambleside Conservation Area Appraisal and Management Plan (CAA&MP) as having a 'special character'. In other words, it is a good example of a building which has a style and materials which are befitting of the Victorian era. The front of the building is more decorative, including the first-floor oriel bay window which draws attention to all the upper-level windows. The rear elevation is simpler in character and appearance, but the consistency of the former timber windows (many with decorative glazing bars) was experienced as assimilating well with the traditional character and appearance of the property. This is even though there was previously some inconsistency to the design of such windows in the rear elevation of the property. Prior to the breach of planning control occurring, I find that the above attributes contributed positively and distinctively to the significance of the building and hence to the character and appearance of the CA when considered as a whole.
6. The building falls within an area where the buildings are predominantly of Victorian character and appearance. Indeed, the property is very traditional in character and appearance, is tall when experienced from the narrow streets, and there is some noticeable consistency to the overall height of the buildings when experienced by passers-by. Prior to the appeal window frames being installed, the evidence is that they were slender in terms of thickness and had a wooden appearance reflecting the distinctive and characterful traditional Victorian appearance of the building when appreciated within the locality and the CA as a whole. Many of the windows to the rear elevation had glazing bars which were narrow and decorative and added some distinctive visual charm and complexity to the way that the building was visually perceived from King Street.
7. I acknowledge that there are several examples of buildings in the CA (as identified by the appellant), including near to the appeal site, where window frames are uPVC. Nonetheless, this does not diminish the overall positive contribution that the appeal building made to the character and appearance of the CA prior to the unauthorised window frames and casements being installed. Moreover, it is noteworthy that section 6 of the CAA&MP refers specifically to the incremental loss

of architectural details and the use of inappropriate modern materials, such as uPVC, on both listed and unlisted buildings in the CA. In time, it remains possible that the incremental loss of architectural details and the use of modern materials will be reversed through controlling new or replacement development in the interests of preserving or enhancing the character and appearance of the CA. It does not therefore automatically follow that the existence of some buildings with uPVC window frames means that the appeal development should be allowed. There are still many traditional and architecturally impressive buildings in the CA when considered as a whole.

8. Owing to the finish, thickness and design of the window frames, I find that material harm has been caused to the traditional character and appearance of the host building and hence the way that it now contributes to the significance of the character and appearance of the CA as a whole. While the colour of the window frames is not in itself a determinative factor, they are nonetheless experienced as being a stark white colour when seen against the muted tone of the elevations of the building. In this regard, the white colour draws particular attention to the harmful and modern additions by those using both King Street and Lake Road.
9. Ambleside lies within the Upper Windermere area of Distinctive Character as defined in the Lake District National Park Landscape Character Assessment and Guidelines SPD 2021 (SPD). The evolution of the town which includes the Victorian expansion and how this influences the building character is noted as one of the distinctive characteristics of the area and creates a sense of place. The SPD specifically states that the area has distinctive, predominantly Victorian slate buildings with 17th and 18th century buildings of note within Ambleside, that are vulnerable to extensions which do not reflect existing built character and scale.
10. The appeal building is one of the above distinctive buildings. I find that the impact of the alterations on the building and street scene as identified above has resulted in a development that fails to maintain local distinctiveness and the sense of place within the landscape. To the extent that harm has been caused to the character and appearance of the host property, and the positive contribution that it makes to the vernacular architecture and landscape character of the area, I therefore also conclude that harm has been caused to the protected landscape of the Lake District National Park. In this regard, the development does not conserve and enhance the landscape and scenic beauty and cultural heritage of the Lake District National Park.
11. In the context of paragraph 215 of the Framework, I find that less than substantial harm has been caused to the significance of the CA. The harm caused is at the lower end of the spectrum of less than substantial harm caused. The appellant has referred to benefits associated with the harmful development including energy efficiency improvements, the provision of high-quality visitor accommodation, investment in Ambleside town centre, and a reduction in noise from outside traffic and late-night activity. I acknowledge these benefits, but this must be weighed against the identified harm caused to the character and appearance of the CA. Even if all the above were to be considered as public benefits, I do not find them to be sufficiently weighty to outweigh the less than substantial harm caused to the significance of the CA.

Other Considerations

12. The appellant makes the claim that replacing the unauthorised window frames would be 'unaffordable'. I do not doubt that the requirements of the notice would incur some expense on the part of the appellant. However, the claim made about affordability is not supported with any objective or precise evidence.

Planning Balance and Conclusion

13. For the above reasons, I find that the development identified in a red colour in the photographs in Appendix B of the notice does not preserve or enhance the character or appearance of the CA. Moreover, harm has been caused to the landscape character and cultural heritage of the Lake District National Park protected landscape. In terms of the latter consideration, I do not find that the appellant has suitably met the requirement to seek to further the statutory purpose of the protected landscape relative to the objectives in the SPD. The identified harms are not outweighed by the other considerations outlined above.
14. Consequently, I conclude that the development does not accord with the design, conservation and landscape requirements of policy 01, policy 05, policy 06 and policy 07 of the adopted 2021 Lake District National Park Local Plan 2020-2035, the SPD, and chapters 15 and 16 of the Framework. Therefore, the ground (a) appeal fails.

Ground (f) appeal

15. The appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
16. The purpose of the notice is to remedy the breach of planning control by requiring the identified unauthorised window frames to be removed and, in turn, the relevant part of the land to be restored to its previous condition. In this regard, the requirements of the notice are not excessive as they seek to remedy the breach of planning control.
17. The claim made by the appellant is that the replacement of the windows is excessive and disproportionate. This is a matter that is relevant to the consideration of the ground (a) appeal and the deemed planning application. I have concluded that planning permission should be refused in the public interest given the conflict with local and national planning policies.
18. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal

19. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
20. The claim made by the appellant on ground (g) is that a period of 36 months rather than 12 months is needed because of the '*cost, complexity, and investment already made in the building*'. The appellant does not reasonably substantiate these points and, there is no objective or precise evidence before me to

demonstrate that it would not be possible to ensure physical compliance with the requirements of the notice within 12 months. Moreover, I emphasise that a period of 36 months would be tantamount to the grant of temporary planning permission.

21. On the evidence that is before me, I find that a period of 12 months strikes a reasonable and proportionate balance between ensuring that the appellant has a time to comply with the requirements of the notice and bringing the harmful development to an end in the public interest. For the above reasons, I conclude that the ground (g) appeal fails.

Overall Conclusion

22. 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).

D Hartley

INSPECTOR