



Appeal Decision

Site visit made on 26 June 2023

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2023

Appeal Ref: APP/L3245/D/22/3298435

39 Whitburn Street, Shropshire, Bridgnorth WV16 4QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Bott against the decision of Shropshire Council.
 - The application Ref 22/00665/FUL, dated 10 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is to install replacement windows to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit I noted that the windows had been replaced. The Appellant has confirmed that the former wooden frames have been replaced with new wooden frames. I also noted that the rear elevation has Poly Vinyl Chloride unplasticised (PVCu) frames that the Appellant states are similar, although narrower, to the windows proposed in connection with this appeal. I have taken account of these matters in my determination of this appeal.

Main Issue

3. The main issue is whether the proposed replacement windows would preserve or enhance the character or appearance of the Bridgnorth Conservation Area (BCA).

Reasons

4. The appeal site is an end terrace dwelling which is part of a traditional row of buildings of various heights and styles. The appeal building is a non-designated heritage asset within the BCA and subject to an Article 4 Direction. My statutory duty¹, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 199 of the Framework requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance.
5. The Article 4 Direction, with respect to the host dwelling, requires owners to submit a planning application for works that were previously permitted by the GDPO², including the "*insertion, removal, alteration or replacement of windows and doors*". I am cognisant that some window frames within the immediate

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- area have been replaced over time with unsympathetic designs, although these may have been replaced before the imposition of the Article 4 Direction.
6. The significance of the BCA seems to derive from its inclusion of traditional residential buildings of largely coherent materials and detailing, including many with decorative windows. The previous and replacement window frames are wooden sash windows, painted white, with thin glazing bars in an 8/8 pane configuration. The wooden frames are of a style that is in keeping with, and appropriate for, the building. As such, the previous and existing window frames add to the positive contribution the building conveys to the character and appearance of the BCA.
 7. The replacement windows would consist of white PVCu. These would have an 8/8 pane window configuration within a functioning sash window. These include horizontal and vertical grilles that would follow the general configuration of the existing windows. However, the submitted evidence does not demonstrate that the frames would be a like-for-like replacement in terms of frame thickness and reveal in comparison to a wooden frame. As such, the proposed windows appear to have thicker stiles and grills, creating a visually heavy style of frame out of keeping with the existing design.
 8. Therefore, the proposed windows would alter the proportion of window frame to windowpane, in comparison to a traditional frame. This would be to an extent that it would unbalance the appearance of the window frames and would erode the positive contribution made by the front elevation of the building. Furthermore, the proposed frames would be prominent in views from the street, despite being recessed from the footway over a short front garden. Accordingly, whilst the use of PVCu may not be an unsuitable material in historic areas, I am unconvinced that the design of these proposed frames would be sufficiently similar to the existing frames to replicate their character and appearance.
 9. The evidence refers to an application for a property on Bernards Hill to install PVCu windows. This was refused permission, but they seem to have been installed, nonetheless. The Appellant asserts that this demonstrates that the Council is not seeking their removal. However, ongoing enforcement investigation is not disclosed to the public and therefore the status of any action (or inaction) is speculative. Also, the presence of PVCu windows within the local area to the site, and a possible absence of enforcement action to seek their removal, does not demonstrate a (passive) acceptability of such designs. Accordingly, the existing inappropriate styles of window frames, evidenced locally, attract only limited weight in favour of the proposal.
 10. The proposed windows would materially diminish the character of this non-designated historic asset. Consequently, the proposed replacement windows would not preserve or enhance the character or appearance of the building and its setting within the BCA. The harm identified to the BCA would be 'less than substantial harm' as identified by paragraph 202 of the National Planning Policy Framework (the Framework). The Appellant identifies that the proposed windows would offer a thermally enhanced product. I also note further benefits to the occupier as listed in the Appellant's Heritage Assessment³. However, these would be largely private benefits of the scheme. In accordance with

³ Heritage Statement & Design and Access Statement, Anglian Home Improvements, no date

paragraph 202, I have identified no public benefits that would outweigh the identified harm to enable consent to be granted.

11. Accordingly, the proposal would not preserve or enhance the character or appearance of the BCA in conflict with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Consequently, the proposal would not comply with policies CS6 and CS17 of the Shropshire Core Strategy [2011], policies MD2 and MD13 of the Site Allocations and Management Development Plan [2015] and the Framework. These seek, among other matters, for development to protect the local character of Shropshire's historic environment and protect and conserve Shropshire's heritage.
12. The Appellant's Human Rights, to not have one's home life interfered with and to not interfere with an individual's peaceful enjoyment of their property, have been taken into account. However, these rights have not been prejudiced by my consideration of the individual merits of this case, in weighing the benefits of the proposal for the Appellant against the wider public interest of the preservation of the BCA and the non-designated heritage asset.
13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR