

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01931/FPA
FULL APPLICATION DESCRIPTION:	Installation of UPVC Windows (Retrospective)
NAME OF APPLICANT:	Mr G Freak
ADDRESS:	16 Meadhope Street, Wolsingham, Bishop Auckland, DL13 3EL
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson, Planning Officer 03000 260826 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. Number 16 is a two storey, stone-built, semi-detached property fronting directly onto the east side of Meadhope Street. Meadhope Street lies within the Wolsingham Conservation Area and many of the properties, including no.16 are covered by the Wolsingham Article 4 Direction.
2. This is a retrospective application for the installation of UPVC windows to the front of the property. The installation of windows at the front of the property is brought under planning control by the Article 4 Direction, which removes permitted development rights for such works.
3. The application has been called to Committee by Cllr Shuttleworth who supports the proposal.

PLANNING HISTORY

4. In November 2014 an application (DM/14/03363/FPA) was made to replace timber windows in the front of the property with modern uPVC windows. The advice of the planning officer at the time was that the modern top-opening design of the proposed windows was inappropriate and the application was subsequently amended and granted for traditional sliding sash style uPVC windows.
5. The windows that have been installed however are uPVC mock-sash, top-opening windows, not the sliding sash style that was approved.

PLANNING POLICY

NATIONAL POLICY:

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following sections are relevant to this case:
7. *NPPF Part 7 – Requiring good design.* Establishes the great importance of design in new development. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
8. *NPPF Part 12 - Conserving and enhancing the historic environment.* Advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness. It advises that great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where development leads to substantial harm or total loss of significance of designated heritage asset permission should be refused, unless it can be demonstrated that the public benefits outweigh the harm. Less than substantial harm should also be weighed against the public benefits of the proposal. Loss of a building or other element which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate.

LOCAL PLAN POLICY:

9. The following saved policies of the Wear Valley Local Plan are relevant to the application and in accordance with the National Planning Policy Framework:
 10. *Policy GD1 (General Development Criteria):* This is a general design criteria policy. It requires, among other things, that new development is of a high standard of design; is in keeping with the character and appearance of the area in terms of form, mass, scale, layout, density, materials.
 11. *Policy BE1 (Protection of Historic Heritage):* This is a general heritage policy. It states that the District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
 12. *Policy BE5 (Conservation Areas):* This is a general conservation area policy and states that the character of each Conservation Area will be protected from
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inappropriate development.

13. *Policy BE6 (New Development and Alterations in Conservation Areas)*: The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
- i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
 - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
 - iii) the proposal satisfies the General Development criteria set out in Policy GD1.

EMERGING PLAN

14. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. None

INTERNAL CONSULTEE RESPONSES:

16. *Design and Conservation*: It is advised that this application should be refused and appropriate action taken to secure the removal of the current windows and their replacement with that equivalent to the approval under application DM/14/03363/FPA.

PUBLIC RESPONSES:

17. The application has been publicised by way of site notice, press notice and letters to neighbours. No representations have been received in response.

PLANNING CONSIDERATION AND ASSESSMENT

18. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to whether the proposed works would preserve or enhance the character and appearance of the Wolsingham Conservation Area.

19. The application site lies within the Wolsingham Conservation Area. A conservation area is considered to be a designated heritage asset for the purposes of the NPPF, which advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. Amongst other things, significance derives from a heritage asset's physical presence and may be harmed by proposed works. When considering the impact of works on the significance of a designated heritage asset, NPPF paragraphs 132-134 advise planning authorities to give great weight to the asset's conservation. Even 'less than substantial' harm to its significance must be weighed against the public benefits of the proposed development. These national provisions are generally reflected in Policies BE1, BE5 and BE6 of the Wear Valley Local Plan.
20. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of any development within a Conservation Area to preserve or enhance the character or appearance of that area.
21. The Wolsingham Article 4 Direction, approved by the Secretary of State in 2001, restricts permitted development rights on certain properties in the conservation area in order to control development such as window, door and roof replacement, which could otherwise threaten the character of the conservation area through loss of traditional details and materials if left uncontrolled. Properties where modern window replacement and other alteration had already taken place were not included in the Article 4 Direction when it was made and therefore there are some properties in Meadhope Street with uPVC windows. It is noted that the adjoining dwelling 16a also has upvc windows, but there is no record of planning permission for them and they are likely to be immune from enforcement action. However, for the most part, windows are timber with a large proportion still retaining the traditional sliding sash windows, which contribute to the historic character of Meadhope Street and the wider Wolsingham Conservation Area.
22. Meadhope is one of the oldest streets in Wolsingham and within the core of the historic town. Number 16 Meadhope Street is a historic property which appears on the first edition circa 1856-1865 OS maps. Its significance is considered to be derived from its age, traditional character and as an integral part of the stone built properties which line the street and make a positive contribution to the Wolsingham Conservation Area. It is highly prominent because of its position and orientation in the street and the Article 4 Direction restricts alterations to the front elevation in recognition that this is the most sensitive elevation of the property.
23. Prior to installation of the current windows 16 Meadhope Street had timber mock-sash windows. While not original windows they were at least constructed of a traditional material appropriate to the historic character of the conservation area. The permission granted in 2014 for replacement windows was on the basis that the traditional sliding sash style, although in uPVC, was nevertheless regarded as an improvement overall, as noted in the planning officer's report: "*Whilst it would be preferable for the replacement windows to be of timber construction, the proposed introduction of sliding sash alternatives, by virtue of their style and design, would represent an improvement on the existing situation and would better relate to the historic character of the property than the current modern casement windows. The proposed replacements*

would be high quality UPVC alternatives, replicating the proportions of timber windows and on balance it is considered that the scheme could be accommodated without significant harm, given the proposed introduction of a window style more in keeping with the original property.”

24. This approach has been followed consistently by the local planning authority throughout the Wolsingham Conservation Area where replacement uPVC windows have been resisted unless in a sliding sash style, as evidenced in the cases listed below:

Permission for uPVC sliding sash windows granted at:

30 West End (3/2007/0627) – replaced top opening upvc with upvc sliding sash
42 Front Street (3/2009/0187) – replaced top opening upvc with upvc sliding sash
56 West End (3/2009/0543) – replaced top opening timber with upvc sliding sash
32 Front Street (3/2012/0242) - replaced top opening upvc with upvc sliding sash

Permission refused for non-sliding sash uPVC windows at:

3 Co-Operative Terrace (3/2003/0070)
1 Meadhope Street (3/2007/0123)
30 Angate Street (3/2007/0476)
9 Silver Street (3/2009/0119)
28 Meadhope Street (3/2012/0451)
34, 36 & 38 West End (DM/15/00881/FPA)
48 Front Street (DM/15/02800/FPA)

25. In considering the proposal to retain the current windows in the property, the Article 4 Direction demonstrates the importance the Council places on the contribution that property frontages in Meadhope Street make to the character and appearance of the Wolsingham Conservation Area and its determination that these are not materially harmed by inappropriate changes.
26. The applicant has suggested that the installed uPVC windows are an improvement to the previous windows. However, while it is accepted that the new windows are of a tidier appearance, that is largely because the previous windows appear to have been poorly maintained. Had the previous windows been refurbished, painted or replaced with similar new timber windows they too would have been an improvement. So too would the sliding sash windows previously approved. The key issue is whether the installed windows are historically appropriate within the conservation area.
27. NPPF paragraph 137 requires new development in conservation areas to enhance or better reveal its significance. Despite their tidy appearance the current windows do neither. The uPVC material is distinctly noticeable and in combination with the thick profile of the frames and the top opening lights, represent windows that are not authentic in style or appropriate to the age and character of the property and its location within the Wolsingham Conservation Area. The Article 4 Direction specifically seeks to protect the historic character of the Wolsingham Conservation Area, but the current windows are considered to weaken that character, and in a street with a large proportion of timber sash windows, their retention could set a precedent for further inappropriate window replacement. In this respect the windows are harmful to the significance of the Wolsingham Conservation Area and conflict with the aims of the Article 4 Direction. This is a view shared by the Council's Design and Conservation Section.

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28. For these reasons there is conflict with Wear Valley Local Plan policies GD1, BE1, BE5 and BE6.
29. In accordance with NPPF paragraph 134 the harm would be classed as less than substantial and therefore needs to be balanced against the public benefits of the proposal, although this balancing exercise must recognise the statutory presumption against allowing harm to the asset.
30. It is recognised that the applicant may have had reasons in terms of maintenance, thermal insulation and security to replace the windows. However, mindful of the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the stipulation in paragraph 132 of the NPPF that great weight should be given to the conservation of designated heritage assets, those private imperatives are not considered to justify the installation of inappropriate replacements, especially when more suitable new windows, like those previously approved, would meet the same needs. The presence of other upvc windows in the street, some unauthorized, emphasises the harm that can be caused to the historic character of the street from inappropriate window replacement and is not justification for the proposal.
31. Accordingly, there is not sufficient justification to outweigh the harm to the significance of the heritage assets that would be caused. The character and appearance of the conservation area would not be preserved or enhanced and the proposal conflicts with the aims of the Article 4 Direction, NPPF Part 12 and Wear Valley Local Plan policies GD1, BE1, BE5 and BE6.
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RECOMMENDATION

That the application be **REFUSED** for the following reason:

1. The windows by reason of their design and appearance do not preserve or enhance the character or appearance of the Wolsingham Conservation Area and are therefore harmful to its significance. This is contrary to NPPF paragraphs 131 and 134 and saved policies GD1(i), BE1, BE5 and BE6 of the Wear Valley District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

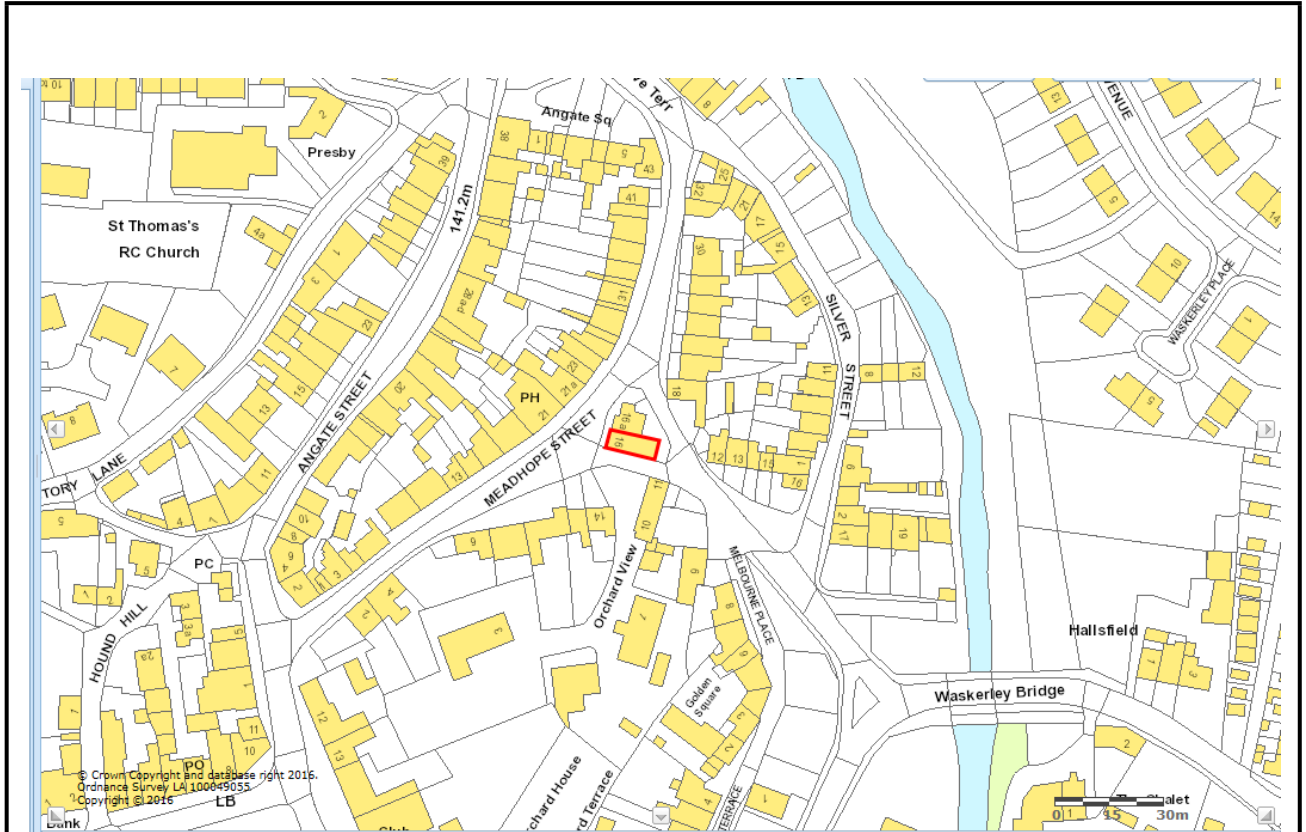
BACKGROUND PAPERS

Submitted application form, plans supporting documents;

The National Planning Policy Framework (2012)

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Wolsingham Article 4 Direction



Planning Services

Retention of UPVC Windows
16 Meadhope Street
Wolsingham
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