



Appeal Decisions

Site visit made on 13 January 2009

by **Mrs A L Fairclough MA, BSc(Hons), LLB(Hons) MRTPI, IHBC**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
5 March 2009

Appeal A: APP/H1033/E/08/2083409

Bryants Arcade, 11 Eagle Parade, Buxton, Derbyshire, SK17 6ES

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Bryant Properties against the decision of High Peak Borough Council.
- The application Ref HPK/2008/0267, dated 4 April 2008, was refused by notice dated 27 May 2008.
- The works proposed are described as 'proposed replacement windows'.

Appeal B: APP/H1033/A/08/2083406

Bryants Arcade, 11 Eagle Parade, Buxton, Derbyshire, SK17 6ES

- 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 Bryant Properties against the decision of High Peak Borough Council.
- The application Ref HPK/2008/0268, dated 4 April 2008, was refused by notice dated 27 May 2008.
- The development proposed is described as 'proposed replacement windows'.

Procedural matters

1. I noted from my site visit that the replacement windows have already been installed. I have dealt with the appeals on that basis.
2. Notwithstanding the discrepancy relating to the appeal address on the planning application form, the correct address is Bryants Arcade, 11 Eagle Parade, Buxton, Derbyshire, SK17 6ES. I have reflected this in the header above.

Decision

3. I dismiss both Appeal A and Appeal B.

Main issue

4. In my view the main issue in this case is the effect of the proposed windows on the special architectural and historic interest of the appeal premises and its effect on the character or appearance of the Buxton Central Conservation Area.

Reasons

5. The appeal building is an established furniture showroom. It is an L-shaped end terraced property. It is situated in a prominent position within the Market Place and although its main elevation fronts Eagle Parade, it has a 4-storey side elevation which faces towards a car park area adjacent to a small
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Sainsbury's supermarket. It also has a single storey outrigger, which is set back from the front elevation but faces towards Eagle Parade. It lies within the Buxton Central Conservation Area. The appeal building is also included, along with the attached terraced properties within Eagle Parade, on the statutory list of buildings of special architectural or historic interest and is listed grade II. The buildings were formerly a coaching inn and a public house but they are now used as shops, offices and flats. The list description indicates that the buildings date back to 1760. They are constructed in ashlar gritstone, coursed dressed gritstone with ashlar dressings and a Welsh slate roof. They are designed using classical proportions and one of the main features of the buildings is the formal arrangement of fenestration including the use of timber sliding sash windows.

6. The appeal proposal relates to the replacement of 25 double glazed windows in UPVC. Whilst I recognise that the main elevation of the appeal premises fronting Eagle Parade has traditional timber sliding sash windows, the windows on the side elevation and single storey side outrigger have been replaced with UPVC double-glazed windows. Annex C to *Planning Policy Guidance Note 15: Planning and the Historic Environment* (PPG15) provides guidance on alterations to listed buildings. It states at Paragraph C.49 that the insertion of factory made standard windows of all kinds, including plastic, is almost always damaging to the character and appearance of historic buildings.
7. Although an attempt has been made to echo the traditional style of sliding sash windows, the installed versions significantly differ from them in the use of an unsympathetic material and by the insertion of vertical and horizontal strips between the sheet glass of the glazing unit in an attempt to emulate glazing bars. The meeting rail feature of traditional vertical sash windows has also been omitted. Given that the original windows would have had glazing bars that project forward of the glass, the current situation presents a flat appearance. In my view the position of the internal glazing strips and the omission of the meeting rail features do not have the subtlety of proportion and detail of traditional sash windows such as those exhibited on the main front elevation of the appeal building. Therefore, I consider the replacement windows appear conspicuously different to the other windows in the terrace and as such are uncharacteristic and discordant features on the appeal property.
8. Furthermore, given the high number of replacement windows, albeit inserted over a period of time, and their position on these prominent elevations, I consider that they appear out of character with the rest of the terrace. Given that there is sufficient uniformity of character with regards to the traditional sash window design on the main Eagle Parade elevation, I consider that the appeal proposal does not preserve the special architectural interest of the terrace. This is contrary to Policy BC7 of the *High Peak Local Plan* (LP) which states that planning permission will not be granted for alterations to listed buildings unless the architectural elements which contribute to the special architectural or historic character of the building will be retained and the proposal will respect the special architectural or historic character of the existing building in terms of design, external appearance detailing and facing materials.
9. In coming to this conclusion I am aware that the Appellant has attempted to match the thickness of the window frames with the previous traditional-style

windows and that the windows are sufficiently rebated into the unaltered window openings. I am also aware that PPG15 allows for some sensitive alteration to listed buildings in order to accommodate new or continuing uses. However, as previously mentioned, I do not consider the use of an unsympathetic material and design for the wholesale replacement of windows on the south facing elevation and the single storey outrigger of the appeal premises to be sensitive.

10. I acknowledge that the Appellant contends that the side elevation and the single storey side outrigger are not prominent in the streetscene. However, I consider that these elevations are highly visible when approaching from the south and from the adjacent pay and display car park area. Therefore, given the prominent position of the appeal building within the Market Place, I consider that the appeal proposal harms the character and the appearance of the Buxton Central Conservation Area and as such does not preserve or enhance it. This is contrary to LP Policy BC5 which requires proposals for planning permission to preserve or enhance the character of a conservation area. It is also contrary to LP Policy GD4 which requires, amongst other things, that development proposals should include sympathetic fenestration.
11. Although I have not been provided with full details, I note that the previous windows were not the original ones and that they had been replaced twice by the owners of the appeal premises. I also understand that the south facing, 4-storey, side elevation is exposed to the weather and consequently the Appellant states that the timber windows were rotten and defective. The Appellant also argues that to maintain these windows was prohibitively expensive. However, in my view these points singularly or combined do not overcome my concerns regarding the negative impact the appeal proposal has on the appeal premises, the terrace as a whole and the character of the conservation area.
12. I also realise the needs of the building in terms of heat conservation, exclusion of damp and the maintenance of regular temperature, all of which are important in a building used as a furniture showroom. However, in my experience, there are methods by which single glazed sash windows can be made adequately wind and weather-proof, which would not undermine the character of an historic building.
13. I recognise the careful stewardship of the appeal premises by the Appellant Company over the last 30 years and I note the contribution the furniture showroom provides to the town centre. However, these do not overcome my concerns regarding the detrimental effect the appeal proposal has on the listed building or the conservation area. The Appellant refers to an appeal decision (Ref: APP/H1033/A/05/1184868), which relates to replacement windows in a conservation area. However, I consider that the appeal before me is distinctly different in that it relates to a building which is included on the statutory list of buildings of special architectural or historic interest. Therefore, I do not consider it directly relevant to the appeal before me. In any case, I am required to determine each case on its merits in the light of current policy and guidance.
14. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the replacement windows harm the special architectural or

historic interest of the listed building and fail to preserve or enhance the character and appearance of the Buxton Central Conservation Area.

Mrs A Fairclough

Inspector