



Appeal Decision

Site visit made on 6 October 2010

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

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**Decision date:
15 October 2010**

Appeal Ref: APP/G2435/D/10/2134620

19 Bondgate, Castle Donington, Leics DE74 2NS

- 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 J Needham against the decision of North West Leicestershire District Council.
- The application Ref 10/00474/FUL, dated 13 May 2010, was refused by notice dated 13 July 2010.
- The development proposed is for replacement windows.

Decision

1. The appeal is allowed and planning permission granted for replacement windows at 19 Bondgate, Castle Donington, Leics DE74 2NS in accordance with the terms of the application Ref 10/00474/FUL, dated 13 May 2010, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs: DRG01, DRG02, DRG03 & DRG04.

Main issue

2. The main issue is the effect of the replacement windows on the appearance and character of the Castle Donington Conservation Area.

Procedural Matter

3. The UPVC framed replacement windows have already been installed.

Reasons

4. Number 19 Bondgate is part of a terrace of 4, 3-storey houses. Its immediate neighbour retains its timber framed windows but the remaining two houses in the terrace have UPVC replacement windows (each in different styles and different again from that which is now evident at No.19). Elsewhere in Bondgate there is a wide variety of traditional buildings, some of which display replacement UPVC framed windows.
 5. The Council wishes to retain traditional windows within the Conservation Area as this forms part of its character and this character is eroded where control over replacement windows is not appropriately exercised. The Council point out that control could not be exercised in the case of earlier schemes nearby
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but that more recent changes to the Town and Country Planning (General Permitted Development) Order 1995 now enable such control to be used.

6. It seems reasonable that control should be exercised where failure to do so would result in significant harm to the appearance and character of the Conservation Area. However, in this instance the terrace in question now has a very mixed appearance and would continue to do so even if traditional windows were to be installed at the appeal property. Accordingly, in the context of the current mix of window types in this particular terrace (which is not replicated elsewhere locally) the retention of the windows that have been installed would not cause significant harm.
7. Reversion to an original window design would undoubtedly both preserve and enhance the appearance and character of the Conservation Area. However, retention of the currently installed windows would be consistent with preserving the mixed character of the terrace and accordingly can be said to fall within the scope of saved policy E4 of the North West Leicestershire Local Plan. In this instance, retention is also consistent with the objectives set out in PPS5 which seeks to avoid harm to heritage assets such as Conservation Areas.

Chris Frost

Inspector