



Appeal Decision

Site visit made on 23 July 2010

by **Chris Hoult BA BPhil MRTPI MIQ**

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

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Decision date:
2 August 2010

Appeal Ref: **APP/M9496/C/10/2120288**

Land at The Rambler Inn, Edale, Hope Valley, Derbyshire, S33 7ZA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Dorbiere Limited against an enforcement notice issued by the Peak District National Park Authority.
- The Council's reference is SH/D90/P3514.
- The notice was issued on 2 December 2009.
- The breach of planning control as alleged in the notice is, without planning permission, the carrying out of building operations consisting of the replacement of windows which materially affects the external appearance of the public house ("the Building") as shown in the position cross-hatched black on the attached plan.
- The requirements of the notice and the period for compliance with the requirements are as set out in the attached Appendix.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended ("the 1990 Act").

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations.

Matters concerning the notice

1. The plan at Annex D shows only one window marked N.3. While I do not formally correct the notice, it should be understood that the references in this part of the requirements to "windows" and "frames" should be in the singular.

Ground (a) appeal

Main issues

2. The appeal property is a public house with rooms located in a majestic setting in a steep-sided valley within the Peak District National Park. It is within the designated Edale Conservation Area, which covers the sequence of small settlements strung out across the lower slopes of the valley known collectively as Edale and their surrounding landscape. National Parks are given the highest level of statutory protection and it is in the light of this background that I consider the main issues to be the effect of the development on:
 - (a) the statutory purposes of the National Park; and
 - (b) the character and appearance of the conservation area.

Reasons

3. I deal with both main issues together as there is a degree of overlap between them. S61(1) of the Environment Act 1995 defines the purposes of National

Parks as being that of conserving and enhancing their natural beauty, wildlife and cultural heritage and of promoting opportunities for the understanding and enjoyment by the public of their special qualities. Under s72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. As regards the provisions of the development plan, saved Peak District National Park Local Plan policies LC4 and LC5 promote high standards of design, including in conservation areas. The Authority has also published adopted design guidance in relation to windows in older buildings.

4. The building has a gateway setting when viewed in the wider context of the valley. Though on the southern edge of its largest settlement, it is next to Edale station on the main Sheffield-Manchester railway line and is a short walk from a large car park which serves as a hub for visitors to the valley by car. It is a tourist facility in its own right and is part of the background to the various popular walking routes that focus on Edale. The nationally important Pennine Way long distance footpath starts a little way to the north of it.
5. It is reached, either by train or car, along scenic routes with numerous examples of traditional architecture with associated detailing including window treatments. It stands above the level of the road and is set back in its own grounds, with car parking areas, grassy slopes and tables for outdoor eating and drinking to the front and side of it. It is well-balanced in terms of its proportions, notably on its southern and eastern elevations, with prominent gables and fenestration. As a purpose-designed public building of the late 19th/early 20thC in traditional stone, it imposes its character on the locality.
6. The windows have been the subject of a wholesale replacement programme and some attempt has been made to retain their traditional sash style and distinctive glazing pattern, albeit in uPVC rather than traditional timber. The outcome, however, is a treatment which, on the more prominent elevations of the building, appears contrived and clumsy. In particular, on the top lights, uPVC strips have been placed within the double glazing units to replicate the appearance of glazing bars. However, they lack the depth and shading of protruding timber glazing bars, with the result that reflections emphasise the whole window mass in spite of their presence.
7. The proportions of these sub-divisions appear awkward, displaying vertical and horizontal emphases alongside each other, rather than the uniform proportions of the subdivided units which can be seen in the photographs of the windows they have replaced and which are a feature of their distinctive character. The narrow glazing strips contrast with the thick outer frames of the windows, in which the top lights, typically of uPVC windows, stand proud of the surrounding frame. This gives the windows a chunky, top-heavy appearance, which is reinforced by their outward opening arrangements, which bear an affinity with those of modern casement windows.
8. This form of treatment of the front and both side elevations of the building is readily visible from close up, on the approach to the building from the road, from the car parking spaces and from outdoor seating. It may be less apparent in views from the footpath to the north and the railway station to the south, given the intervening distance and outbuildings to the north and the filtering and screening effect of trees alongside the station. Nevertheless,

these elevations represent the building's public face. By contrast, the rear elevation is visible only from what appears to be a rear service yard, is obscured by a large metal external staircase and is largely screened by trees and bushes, including from longer-distance views.

9. I accept that the building is not listed nor referred to expressly in the Authority's conservation area appraisal. However, it makes a positive contribution to its National Park setting and to the conservation area, on account of its location, prominence and style. It demands high standards of design and materials but that of the window treatments fails to match up to these requirements. uPVC might be tolerated as a material on the modern cottages which I saw further up the road on my visit but not on a building of this importance. It detracts from the character of the building and from the setting, and to allow such treatments on similarly important buildings in the conservation area would cumulatively erode its character and appearance.
10. I acknowledge that the public house performs a service function of benefit to tourism in the National Park and that the insertion of modern double-glazing units benefits its customers accordingly. However, there is no evidence to indicate that the Authority's action would jeopardise the viability of the operation, in spite of the appellants' objections to the costs and disruption involved. I accept that non-traditional treatments of this kind are not necessarily unacceptable for that reason alone. My concerns are based primarily on the unfavourable comparisons between the windows and those they have replaced and the resultant effect on the character of the building.
11. Accordingly, I conclude that the development runs contrary to the statutory purposes of the National Park in failing to conserve its natural beauty and cultural heritage and to promote opportunities for the understanding and enjoyment of its special qualities. It fails to preserve the character and appearance of the conservation area. It conflicts with local plan Policy LC4 in so far as that policy requires detailed treatments which respect and conserve the built environment and valued characteristics of the area. It conflicts with Policy LC5 in so far as it fails to take account of locally distinctive design. For these reasons, the ground (a) appeal fails.

Ground (f) appeal

12. The requirements appear lengthy but follow a logical progression, each step dealing independently and in turn with each elevation of the building. The appellants argue that the Council seeks window replacements to a bespoke specification. However, the Council explains that the alternative detailed specification seeks only to replicate as closely as possible that of the original windows. The appellants provide no evidence to counter this explanation. I am satisfied that the requirements properly seek to remedy the breach of planning control either by re-inserting the original windows or a modern copy of them. They are not unduly onerous on that account.
13. The appellants ask me to consider lesser requirements, to address what they regard as the injury to amenity arising. As to the suggestion that some of the windows be provided with mid-height glazing bars, I have already expressed concerns regarding this form of treatment. It would in any event be inappropriate for this style of side-hung casement window.

14. With regard to the further suggestion that the windows to the northern and western elevations could be retained as at present, I have already indicated that I regard the northern elevation, in spite of its less uniform fenestration, as part of the building's public face. However, that is not the case with the rear (western) elevation. Given its limited visibility, I consider that the windows in this elevation could be retained without causing material harm to the building's setting and the conservation area. This would also help reduce the costs and disruption involved in a further programme of window replacements. Accordingly, I vary the notice to delete the requirements in relation to this elevation and, to that limited extent, the ground (f) appeal succeeds.

Ground (g) appeal

15. The period for compliance is phased so that each elevation is treated in turn, at six-monthly intervals, resulting in a total period of compliance of 24 months. The appellants' suggested alternative of 48 months would unreasonably prolong the harm. However, there is some merit in their argument that setting phased periods for compliance in this way may be overly restrictive, as (depending on the date of the notice) it could, for some elevations, preclude works taking place outside the peak season. The Authority responds to this by proposing that the period for compliance as a whole could be condensed to one year. However, a variation of the notice along these lines would be beyond my powers under s176(1)(b) of the 1990 Act as it would cause injustice to the appellants by making the requirements of the notice more onerous.

16. I take into consideration the reduced requirements, given my variation in respect of the rear elevation, and the timing of my decision. A blanket period of 21 months to comply with all the requirements should allow works to be spread across two winters and give the appellants a degree of latitude to programme them as they see fit, thus minimising disruption as far as possible. It would fit in with the Authority's overall timescale for replacement. I vary the notice accordingly and, to that extent, the ground (g) appeal succeeds.

Conclusions

17. For the reasons given above I conclude that the appeal should fail. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Decision

18. I direct that the enforcement notice be varied by: (i) in Section 5, the deletion of all references to the time for compliance and the deletion of step 5(d); (ii) the insertion of a new Section 6 which shall read as follows: "TIME FOR COMPLIANCE: Within 21 months of this notice taking effect."; and (iii) by the deletion of Annex E. Subject to these variations, I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under s177(5) of the 1990 Act.

C M Hoult

INSPECTOR

APPENDIX

The Requirements of the Notice

(a)

- (i) Remove all uPVC windows installed in the front (east facing) elevation of the Building and remove them from the Land.

And

- (ii) Re-install the timber windows which were removed from the window openings on the front (east facing) elevation of the Building.

Or

Install on the front (east facing) elevation of the Building single glazed windows with frames which are constructed of timber. With the exception of the window marked "E.1" on Annex B, the detailing of all windows on that elevation shall also match all of the following specification:

- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- The glazing shall be provided in vertical sliding sashes.
- The top lights shall be sub-divided, as shown in the sample window in Annex A.
- The top sashes shall have horns as shown on the sample window in Annex A.
- The design of the horns must match those as shown on the sample window in Annex A.
- The glazing bars shall be 22mm, with a chamfered internal profile as shown on the sample window in Annex A.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.
- The windows shall have a white painted or white opaque (solid colour) stain finish.

The two windows marked "E.1" on Annex B shall match the following specification:

- The windows shall be single glazed and the frames constructed of timber.
- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- If opening windows, the glazing shall be provided in side hung casements.
- The glazing shall be plain and not subdivided.
- There shall be no storm proof detailing so that the casements sit flush with the external frame.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.

- The windows shall have a white painted or white opaque (solid colour) stain finish.

Time for compliance: Within 6 months of the date of this notice taking effect.

(b)

- (i) Remove all uPVC windows installed in the side (south facing) elevation of the Building and remove them from the Land.

And

- (ii) Re-install the timber windows which were removed from the window openings on the side (south facing) elevation of the Building.

Or

Install on the side (south facing) elevation of the Building single glazed windows with frames which are constructed of timber. With the exception of the window marked "S.1" on Annex C, the detailing of all windows on that elevation shall also match all of the following specification:

- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- The glazing shall be provided in vertical sliding sashes.
- The top lights shall be sub-divided, as shown in the sample window in Annex A.
- The top sashes shall have horns as shown on the sample window in Annex A.
- The design of the horns must match those as shown on the sample window in Annex A.
- The glazing bars shall be 22mm, with a chamfered internal profile as shown on the sample window in Annex A.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.
- The windows shall have a white painted or white opaque (solid colour) stain finish.

The window marked "S.1" on Annex C shall match the above specification, with the exception that the top light shall be plain glazed with no subdivision.

Time for compliance: Within 12 months of the date of this notice taking effect.

(c)

- (i) Remove all uPVC windows installed in the side (north facing) elevation of the Building and remove them from the Land, other than the windows marked N.4 on Annex D.

And

- (ii) Re-install the timber windows which were removed from the window openings on the side (north facing) elevation of the Building.

Or

Install on the side (north facing) elevation of the Building single glazed windows with frames which are constructed of timber. With the exception of the windows marked "N.1,

N.2 and N.3" on Annex D, the detailing of all windows on that elevation shall also match all of the following specification:

- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- The glazing shall be provided in vertical sliding sashes.
- The top lights shall be sub-divided, as shown in the sample window in Annex A.
- The top sashes shall have horns as shown on the sample window in Annex A.
- The design of the horns must match those as shown on the sample window in Annex A.
- The glazing bars shall be 22mm, with a chamfered internal profile as shown on the sample window in Annex A.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.
- The windows shall have a white painted or white opaque (solid colour) stain finish.

The windows marked "N.1 and N.2" on Annex D shall match the above specification with the exception that the top light shall be plain glazed with no subdivision.

The windows marked "N.3" on Annex D shall match the following specification:

- The windows shall be single glazed and the frames constructed of timber.
- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- If opening windows, the glazing shall be provided in side hung casements.
- The glazing shall be plain and not subdivided.
- There shall be no storm proof detailing so that the casements sit flush with the external frame.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.
- The windows shall have a white painted or white opaque (solid colour) stain finish.

Time for compliance: Within 18 months of the date of this notice taking effect.

(d)

- (i) Remove all uPVC windows installed in the rear (west facing) elevation of the Building and remove them from the Land.

And

- (ii) Re-install the timber windows which were removed from the window openings on the rear (west facing) elevation of the Building.

Or

Install on the rear (west facing) elevation of the Building single glazed windows with frames which are constructed of timber. With the exception of the window marked "W.1" on Annex E, the detailing of all windows on that elevation shall also match all of the following specification:

- The window frames shall be recessed from the external face of the stone by a minimum of 75mm.
- The glazing shall be provided in vertical sliding sashes.
- The top lights shall be sub-divided, as shown in the sample window in Annex A.
- The top sashes shall have horns as shown on the sample window in Annex A.
- The design of the horns must match those as shown on the sample window in Annex A.
- The glazing bars shall be 22mm, with a chamfered internal profile as shown on the sample window in Annex A.
- Timber joints shall be mitred not routed.
- The windows shall not have trickle vents.
- Putty or mastic shall be used to fix the glass not timber beads.
- The windows shall have a white painted or white opaque (solid colour) stain finish.

The window marked "W.1" on Annex E shall match the above specification, with the exception that the top light shall be plain glazed with no subdivision.

Time for compliance: Within 24 months of the date of this notice taking effect.