

Allerdale Borough Council

Planning Application HOU/2022/00

Development Panel Report

Reference Number: HOU/2022/0066
Valid Date: 16 March 2022
Location: 9 Christian Street
Workington
CA14 4BP
Applicant: Mr R Kelly
Proposal: Replacement of existing wooden sash windows with
EcoSlide PVC-U sash windows (resubmission of
HOU/2021/0217)

RECOMMENDATION

Refuse

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Heritage	<p>The proposal relates to an Article 4 property within the Portland Square Conservation Area. The scheme seeks to substitute existing traditional timber sliding sash to the front elevation with modern UPVC alternatives.</p> <p>Officers consider the proposal would result in harm by the loss of the existing details, and that the design and materials of the proposed replacement windows will neither preserve nor enhance the character and appearance of the designated conservation area resulting in significant harm to the façade facing Christian Street.</p> <p>The harm to the significance of this designated heritage asset which is not outweighed by any public benefits.</p> <p>The proposal is therefore considered unacceptable being contrary to the criteria of Policy S27 of the Allerdale Local Plan (Part 1)</p>

2. Introduction

2.1. This application had been referred to the Development Panel by Councillor Heaslip.

3. Proposal

3.1. The applicant seeks to replace the existing timber windows upon on the front elevations of the dwelling. This comprises of replacing 3 single glazed, timber, sliding wooden sash windows with white, double glazed, ECOSlide PVC-U multi-pane sliding sash windows. The windows in question relate to: 3 windows to the principal elevation, 2 windows to the first floor and 1 window to the ground floor.

3.2. The plans for consideration are:-

- Application Form
- Photograph of Front Elevation
- Window Brochure
- Site Location Plan
- Appendix C – Windows

The particulars can be viewed at:-

- <https://allerdalebc.force.com/pr/s/planning-application/a3X3X00000B9EsqUAF/hou20220066?tabset-e3f5c=2>

3.3. No further information has been provided to support the about suitability for repair, or use of secondary glazing.

4. Site description

4.1. The applicant's property is located within Workington Conservation Area and is protected by an Article 4 Direction. The existing windows are of a multi-pane design and their glazing bars are fine and delicate in section. Officers considered their design and materials contribute to the overall traditional character of the applicant's property, compliment the traditional materials of the existing windows, and preserve the historic character of the Conservation Area.

4.2. The wider architectural and historic character upon the Christian Street, in relation to the Georgian terraced dwellings; has been preserved and retains the character of the Conservation Area. The adjoining property, No 11 Christian Street is a Grade II listed building and has replica windows to the host dwelling in terms of design and materials of the proportions of the frames. Although 11 Christian Street is set back from the host property, it is seen in context of the listed building and compliments its setting. The historic value and significance of this part of the Conservation Area relates to its land use as a residential part of the town with its mix of small and larger Georgian properties and is also viewed in context of the listed building The Green Dragon on Portland Square which, in

part, when looking down Christian Street, retains the multi-pane timber sliding sash windows, with a small section being two pane timber sliding sash.

- 4.3. The dwellings within the locality form a relatively unaltered terrace, the existing traditional windows within these dwellings play an integral part of the period character of the dwellings and make a positive contribution to the Conservation Area. Although some of the windows on the street have been replaced with single glazed, 2 pane timber sliding sash windows, given these are likely to pre-date the introduction of the conservation area and with the materials being timber with slimline frames, they are not considered to detract from the overall appearance of the properties or conservation area. A small number of composite doors have been approved within the area, including the host property; however, no UPVC windows are present to the front elevations on the historic properties located on Christian Street.

5. Relevant Planning History

- 5.1. The following history is relevant to the proposal –

- 2/2006/0819 - 8 Christian Street – Replacement of two front windows with UPVC sliding sash – This application was refused by virtue of design and materials and it was considered the proposal would neither preserve nor enhance the Conservation Area – Application Refused. Appeal Dismissed
- 2/2012/0292 – 1 Lorne Villas – Remove existing French doors and replace with pvcu sliding sash window. Remove and replace dining room timber window with pvcu sliding sash window. Removal of existing timber door and replace with composite door. – Refused. Appeal dismissed. This application was refused by virtue of design and materials and it was considered the proposal would neither preserve nor enhance the Conservation Area.
- 2/2013/0056 – 35 Park End Road – replace existing timber framed windows with UPVC sliding sash– Refused. It was considered that the proposed windows would neither preserve nor enhance the character or appearance of this particularly high quality part of the Portland square Conservation Area.
- HOU/2017/0249 – 3 King Street - to replace the current windows for composite sash windows and a composite front door. Window sizes 900 x 1600- Refused. Appeal dismissed.
- 2/2004/0131 – 21 Elizabeth Street (with side elevation fronting onto Carlton Road) - Replacement windows to side of dwelling with upvc slide and sash Refused. This application was refused as it was considered that the loss of traditional features in the form of existing timber sliding sash windows within a prominent gable to the detriment of the character of the conservation area.
- HOU/2022/0022 – 13 Carlton Road - Replace existing windows with double glazed EcoSlide PVC-U (resubmission of HOU/2021/0057) – Refused

6. Representations

Workington Town Council

6.1. No response to date.

Other representations

6.2. As a result of consultation process, one letter of support was received.

7. Environmental Impact Assessment

7.1. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the development falls within neither Schedule 1 nor 2 and, as such, is not EIA development.

8. Duties

8.1. For Listed Buildings:

Section 66(1) of the Listed Buildings Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.2. For conservation areas:

Section 72(1) of the Listed Buildings Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9. Development Plan Policies

Allerdale Local Plan (Part 1) 2014

9.1. The following policies are considered to be relevant:-

Policy DM15 - Extensions and alterations to existing buildings and properties
Policy S2 Sustainable Development
Policy S3 Spatial Strategy and Growth
Policy S4 Design Principles
Policy S27 Heritage Assets
Policy S32 Safeguarding Amenity

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

10. Other material considerations

National Planning Policy Framework (NPPF) (2021)

Council Strategy 2020-2030

11. Policy weighting

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan Parts 1 and 2 have primacy.
- 11.2. However, paragraph 218 of the National Planning Policy Framework (NPPF) 2021 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication. In this context it is noted that paragraph 219 of the NPPF 2021 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 11.3. The policies relevant to the determination of this application are considered to be consistent with the NPPF and as such, the policies are given full weight.

12. Assessment:

- 12.1. The site under its Article 4 direction within the designated Conservation Area is sensitive from a heritage perspective (especially from public viewpoints along the road frontage). Therefore, the significance of the property and its surroundings including its contribution to the Conservation Area requires evaluation. Each application should be assessed on its individual planning merits.

Significance

- 12.2. Christian Street adjoins a busy thoroughfare; the A66 - Ramsey Brow. The site in question comprises of a 2 storey terraced property. The properties on Christian Street have the principal elevation facing directly on to the highway, with the adjacent listed building being set back with a small front curtilage. A modern block of flats is located at the end of Christian Street near Ramsey Brow which has modern UVPC windows, this is a modern building where the windows do not detract from the historic character of the building.
- 12.3. The properties on Christian Street have predominately retained their historic character within the Conservation Area and have relatively unspoiled front façades.

- 12.4. The host dwelling is attached to 11 Christian Street which is a grade II listed building, the windows within this property are single glazed, timber multi-pane windows with fine glazing bar details; the two dwellings can be read in the same visual zone. Although the listed property has a more ornate surround than the host dwelling the windows being of the same materials and appearance to the host dwelling add to the setting of the listed building.

Impact on and Harm to Heritage Assets

- 12.5. Policy S27 is the principal policy for the consideration of the proposal given the sensitivity of the site –

12.6.

'The historic environment including all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place, and to other social, cultural economic or environmental benefits/values.

The Council will work with partners to seek the conservation and enhancement of all designated or non-designated heritage assets within the Plan Area. In determining applications that could affect the significance (including character, appearance, historic value, value to people and setting) of a heritage asset and/or archaeological asset, the following factors will be taken into account:

- The level of significance of the heritage asset(s).
- The impact of the proposal on the significance (including setting) of the heritage asset(s)
- How the significance and/or setting of the asset could be better revealed.
- Opportunities for mitigating climate change without damaging significance.

Only proposals which do not harm any positive qualities of the heritage asset(s) will be approved, unless there is a clear and convincing public benefit to the proposal that will outweigh the harm caused to the asset(s). If the public benefit of a proposal outweighs and justifies the loss of a heritage asset, it must be fully recorded in accordance with agreed criteria which will be proportionate to the value and significance of the heritage asset.'

- 12.7. The design and materials of existing windows represent an important integral feature of the building. It is for members to therefore judge whether or not the merits of the proposed replacement windows would preserve or enhance the character of the Conservation Area. These aspects can be divided into two categories:

- 12.8. (i) Materials - timber represents the traditional material used on fenestration details on properties within the Conservation Area. Whilst there are other approved UPVC windows elsewhere in the Conservation Area, each site has to be assessed on its individual merits looking at the context of both the individual property itself and those in its immediate locality i.e. how strong is the heritage value in its immediate vicinity. Officers consider the setting of the applicant's property is primarily within the context of the Georgian properties which form the majority of Christian Street and also leading onto Portland Square which is visible

within the streetscene. The proposal would therefore introduce a modern material onto a predominantly intact set of frontages to these traditional properties.

- 12.9. Officers consider the proposed UPVC materials would contrast with the white painted timber frames. The existing timber windows upon the host dwelling have timber frames and glazing bars which are fine in section and replicates the design of the adjoining residential property, these two dwellings can be read as a group. The dwelling also relates to the commercial property 12 Christian Street on the opposite side of the road, which is also a listed building. This property has also retained slim timber multi-pane windows to the ground and first floor. Officers therefore consider the proposed adoption of modern materials at this location would erode the character of the street scene and its significance.
- 12.10. By their very nature upvc double glazed units are likely to have a more chunky appearance than single glazed timber units. Officers are of the opinion that it is hard to achieve the fine glazing bars to replicate the existing proportions particularly when multi-pane windows are involved.
- 12.11. (ii) Means of opening – Whilst officer welcome the applicants pursuit of a sliding sash window type it is observed that these are dual opening (partially for cleaning purposes). The opening mechanism of the proposed windows (tilt and easy clean), and their potential projection beyond the face of the frontage and gable would appear out of character upon the street scene i.e the existing sliding sash windows retain a flush fitting fenestration to the façade which does not project. This would have an adverse impact upon the appearance of the applicants dwelling itself, the façade and setting of the adjoining neighbouring terraced dwellings plus other nearby properties in the wider Conservation Area, with a prevailing dominance of existing sliding sash window types. Given that the conservation area extends over a wide area the harm is probably less than substantial but still significant.
- 12.12. It was noted that other dwellings within the immediate locality were refused Planning Permission to replace existing timber framed windows to UPVC sliding sash to the front elevations –
- 8 Christian Street – 2/2006/0819 - Replacement of two front windows with UPVC sliding sash – This application was refused by virtue of design and materials and it was considered the proposal would neither preserve nor enhance the Conservation Area. The application was appealed and in dismissing the appeal, the planning inspector acknowledged the window changes within the area which may have predated the listing of the conservation area and notes that many original windows still survive. The inspector goes on to indicate that the proposal would involve further erosion of the prevailing character and appearance of the Portland Square Conservation Area, which would, therefore, be harmed, would be contrary to national and local plan policy.

The inspector also commented on the costs, ease of maintenance and improvements in efficiency would not justify the resultant harm to the character and appearance of the area.

- 35 Park End Road - 2/2013/0056 - Replace existing timber framed windows with upvc sliding sash windows – Refused. The application was refused as it was considered the proposal would not preserve or enhance the character of the Conservation Area and *‘approving the application would set a precedent which could lead to the loss of all traditional wooden windows in non-listed buildings within the Conservation Area’*.

- 1 Lorne Villas – 2/2012/0292 - Remove existing French doors and replace with pvcu sliding sash window. Remove and replace dining room timber window with pvcu sliding sash window. Removal of existing timber door and replace with composite door – Refused. The inspector dismissed the appeal (APPG0908/D/12/2181127) at No. 1 Lorne Villas against the refusal of upvc windows to the front and side elevation of a property at Lorne Villas. It was stated that it is likely that upvc windows will *‘appear rather crude in comparison to the detailing of the remaining timber sliding sashes’* and additionally *‘the grained composite surface would jar with the painted finish of the adjacent door and windows’*. The appeal furthermore stated that the front and side elevations are *‘substantially unspoilt and are an attractive element in the street scene. It an element that needs to be protected and managed sensitively’*.

- 3 King Street – HOU/2017/0249 - to replace the current windows for composite sash windows and a composite front door. Window sizes 900 x 1600. – Refused. The inspector dismissed the appeal (APP/G0908/D/18/3198453) at 3 King Street, it was stated by the inspectorate *‘the majority of the properties in this area are historic buildings which have largely retained their original windows, often timber sliding sash, and have a strong sense of character which contributes positively to the character and appearance of the Conservation Area’*. The inspectorate also noted *‘The use of woodgrain effect UPVC would not disguise the nature of the material which is smooth, shiny and modern. Therefore the proposed windows would adversely affect the traditional integrity of the appeal building and consequently would not preserve or enhance the character or appearance of the Conservation Area.’* and additionally highlighted *‘The slow degradation of the special architectural and historic qualities of the area by uncontrolled and ad hoc UPVC windows does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole. Moreover, to do so on appeal against this background would send out the wrong message. By quoting the circumstances of such a decision, even though each case should in the first place be considered on its individual merits, would probably mean that the Council would find its efforts to resist other applications for UPVC windows in the area undermined and the incremental effect could cause significant harm to the historic character of the area’*.

The Inspectorate also addressed the cost implications between UPVC/timber - *‘In this case reference has been made to the previous windows being beyond repair and the cost of timber replacements being in the order of*

£7700 - the appellant not having the funds to cover this. However, there is no evidence to show that repairs were not possible and uneconomical. The cost issue therefore has limited weight. Consequently the public benefits would not outweigh the great weight that should be given to the designated heritage asset's conservation' and additionally noted the applicants concerns in relation to unauthorised UPVC windows within the are Conservation Area – 'The appellant has expressed concern about how the Council has not dealt with the issue of other UPVC windows in the Conservation Area. Nevertheless, these concerns are separate from the planning merits of the proposed development and they have little bearing on the outcome of this appeal'.

- 4 Portland Street – 2/2016/0517 - replacement of 6 wooden windows with UPVC sliding sash and replacement door with composite door- Refused. The inspectorate dismissed the appeal, it was stated '*I acknowledge that the existing windows and door are falling into disrepair, and I note the appellant's position that, should be appeal be dismissed, they would leave the existing windows and door in place for reasons of cost effectiveness. However, these circumstances would not justify their replacement in unsympathetic materials'.* Additionally, comments stated that '*the appellant contends that the new windows would offer greater security, energy efficiency and future adaptability than the existing ones. However, they have offered no substantive evidence to demonstrate that this would be the case. I have had regard to a letter of support for the proposal, but this has not led me to a different conclusion'.*

Residential Amenity

- 12.13. The window openings will remain as existing and will not impact upon residential amenity by overlooking, over and beyond the existing arrangement. The proposal does not therefore conflict with policy S32 of the Allerdale Local Plan (Part 1)

Highway Safety

- 12.14. Given the nature of the development, there are no highway safety concerns.

Public Benefits

- 12.15. Officers have addressed the information supplied by the applicant; however, officers do not support the proposal as submitted by virtue of the proposed materials (predominately concerns with the use of UPVC to the frontage) and the means of opening, opening inwards to self-clean the proposed windows. There are no public benefits arising from the proposal to outweigh the harm to the Conservation Area.

Balance and Conclusions

- 13.0 The proposal will neither preserve nor enhance the character and appearance of the designated Conservation Area as a result of the harm from the proposed changes to the façade facing Carlton Road. There will be consequent harm to the significance of this designated heritage asset which is not outweighed by any

public benefits. The proposal would be contrary to policies S2, DM15 and S27 of the adopted Allerdale Local Plan Part 1 (2014) and the provisions of the National Planning Policy Framework 2018. In addition, if the proposal were to be approved, it would set an undesirable precedent for similar proposals within the Conservation Area.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the proposal will have no local financial consideration.

RECOMMENDATION

REFUSE.

Annex 1

Reasons for refusal

The introduction of UPVC as a material at this location, with no set back from the highway, would be particularly prominent and would be at odds with the largely retained fenestration in traditional timber within the immediate locality of the site. The replacement UPVC windows would fail to replicate the detailing of the existing single glazed multipaned timber framed units and would appear incongruous. For these reasons, the proposal would fail to preserve or enhance the character and appearance of this part of the Portland Square Conservation Area. There will be consequent harm to the significance of this designated heritage asset which is not outweighed by any public benefits. The proposal would be contrary to policies S2, DM15 and S27 of the adopted Allerdale Local Plan Part 1 (2014) and the provisions of the National Planning Policy Framework 2021.

