
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/04/21

gan Iwan Lloyd, BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13/5/21

Appeal Decision

Site visit made on 26/04/21

by Iwan Lloyd, BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13/5/21

Appeal Ref: APP/H6955/D/21/3272357

Site address: 7 The Stables, Lane from Rodens Hall to Bryn Villa, Bowling Bank, Wrexham, LL13 9QF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Jane Bowyer-Jones against the decision of Wrexham County Borough Council.
 - The application Ref: P/2020/0507 dated 14 August 2020, was refused by notice dated 5 March 2021.
 - The development proposed is replacement windows and doors.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant contends that planning permission is not required for the replacement windows and doors. However, the question of whether or not permission is required does not affect the validity of the appeal. The appeal should be considered on its merits. It is not within the remit of an appeal under section 78 of the Act to formally determine whether the proposed development requires planning permission as raised by the appellant. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act as amended.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the dwelling unit and the converted outbuilding to which the unit forms part.

Reasons

4. The appeal proposal relates to the installation of uPVC frame windows and composite doors replacing wood frame casement windows and doors.
 5. The appeal residential unit forms one unit in a larger outbuilding conversion scheme that comprises a traditional two-storey brick building with a slate roof. Unit No. 9 comprises a single-storey residential unit that has already installed uPVC frame windows and composite door.
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6. The remainder of the two-storey residential conversion includes wood frame white painted casement windows and wood frame white-painted stable doors with glazing lights above.
7. The appellant's contention is that the change in frame materials for the doors and windows would not be discernible and would therefore be acceptable. The appellant has chosen a wood effect grain uPVC window with the same glazing pattern to match the existing windows. The composite doors would not match the half stable door and glazing pattern of the existing doors, but the side panel window would reflect the existing glazing pattern.
8. The Council refers to the Local Planning Guidance Note No.3 on converting rural buildings which notes that new or replacement windows and doors should match the originals and, or, reflect the character of the building.
9. The appellant asserts that more weight should be attributed to the issue that the proposed windows and doors would not be visible from the public domain rather than the Council's concern in retaining the integrity of the appearance of the conversion scheme complex. The appellant contends that in any event the proposal would be to use high quality wood effect window frames and doors, which would result in no material difference in the appearance of the appeal building and the remainder of the converted outbuilding.
10. Whilst I accept that the proposal would not be visible from the public road and that it would be difficult to discern the difference from either driveway that serves the converted outbuilding, it would nevertheless, be a noticeable change for residents of the converted outbuilding complex. The traditional white-painted wood frame windows and stable doors have been kept by other occupiers of the complex and they will be able to view and notice the change and difference in frame construction in the appeal dwelling. The extent of public views of a development is a matter of planning judgement, but private views from adjoining dwellings of a development is also a material factor in considering impact. This is the case where those occupiers of adjoining dwellings have retained those features of interest that provides a unifying appearance to the converted outbuilding complex. The choice of composite door is not a match for the existing stable door and glazing insert above, and this part of the proposal would clearly depart from the traditional appearance of the appeal dwelling and the two-storey converted building which retain these features.
11. Although the chosen proposed replacement uPVC frame windows are a high specification, I do not accept that the change to uPVC frames would be the same and visually comparable. The transom and glazing bars of the existing wood casements are quite thick and there is a projecting lip on the bottom glass section of the window and on the stable door. The glazing is recessive because of the thick glazing bars and transom.
12. The uPVC frames in contrast have highly engineered and bevelled glazing bars, the glazing lacks the degree of recess and the glazing itself is highly reflective. The sample window and appeal images of windows do not reflect the thickness of the existing window transom/glazing bars features and therefore due to these differences and others listed they are not comparative in detail and appearance.
13. In my view, the proposal would erode the appearance of this traditional two-storey appeal building and outbuilding complex. I consider that the dilution of appearance as a result of the appeal development in one unit of the two-storey block would undermine the Council's case for future changes of this nature.

14. In all, the replacement windows whilst matching the pattern of glazing, lacks the precise detailing of the original windows and these changes as described above would be noticeable as modern replacements which would dilute the traditional character of this residential outbuilding.
15. I note that No. 9 has replaced its windows and doors for uPVC but this does not provide a precedent for change over the remainder of the scheme as it serves to demonstrate that highly modern and engineered windows and doors, jar with the traditional features of this complex.
16. The appellant questions the Council's interpretation of the conditions which are claimed to restrict the replacement of windows and doors in the appeal building. As indicated that would be a matter for consideration under a lawful use or development certificate as to whether it would be regarded as development within the meaning of section 55(2)(ii) of the Act as amended. The materiality of the claimed lawfulness of the proposed development is given little weight at this time until it is conclusively presumed under a lawful use or development certificate and would therefore not outweigh the harm that has been identified in the determination of the main issue in this appeal. However, my conclusion in relation to this matter is in relation to this appeal only and does not prejudice any future application for a lawful development certificate.
17. I consider the development conflicts with Policy GDP1(a) of the Wrexham Unitary Development Plan, which seeks to ensure that built development in relation design accords with the character of the site and makes a positive contribution to the appearance of the nearby locality. The proposed development does not comply with Local Planning Guidance Note No.3 on converting rural buildings which draws reference to the replacement of windows and doors and that these should match the originals and or reflect the character of the building. In my view, the proposed development fails to accord with the development plan policy and local planning guidance.
18. I therefore conclude that the proposal would harm the character and appearance of the dwelling unit and the converted outbuilding to which the unit forms part. No other material consideration put forward is of sufficient importance to outweigh this conflict with the development plan policy and local planning guidance.
19. I have considered the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
20. I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR