
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/11/16

gan Siân Worden BA MCD DipLH
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.11.16

Appeal Decision

Site visit made on 08/11/16

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.11.16

Appeal A: APP/H6955/E/16/3152675

Site address: James Park Cottage, 19 Wynnstay Court, Wynnstay Hall Estate,
Ruabon, Wrexham LL14 6LA

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

- 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 Mrs Alison Williams against the decision of Wrexham County Borough Council.
 - The application Ref RUA P/2016/0045 was refused by notice dated 14 March 2016.
 - The works proposed are the replacement of the current timber windows to PVC equivalent retaining the same design and colour. This applies to front, side and rear windows all with an aspect to private property.
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Appeal B: APP/H6955/A/16/3157137

Site address: James Park Cottage, 19 Wynnstay Court, Wynnstay Hall Estate,
Ruabon, Wrexham LL14 6LA

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 Mrs Alison Williams against the decision of Wrexham County Borough Council.
 - The application Ref RUA P/2016/0046 was refused by notice dated 14 March 2016.
 - The development proposed is the replacement of the current timber windows to PVC equivalent retaining the same design and colour. This applies to front, side and rear windows all with an aspect to private property.
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Procedural matters

1. The original application was for the windows on the front, side and rear elevations. It has been amended¹ to include only the front and side windows of the property and not those on the rear elevation. I have made my decision on that basis.

¹ Letter to Planning Inspectorate from Alison Williams, dated 19 October 2016.

2. The declaration on the application form was not signed or dated.

Decisions – both appeals

3. Appeal A is allowed and listed building consent is granted for the replacement of the current timber windows to PVC equivalent retaining the same design and colour at James Park Cottage, 19 Wynnstay Court, Wynnstay Hall Estate, Ruabon, Wrexham LL14 6LA in accordance with the terms of the application, Ref RUA P/2016/0045, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this document.
4. Appeal B is allowed and planning permission is granted for the replacement of the current timber windows to PVC equivalent retaining the same design and colour at James Park Cottage, 19 Wynnstay Court, Wynnstay Hall Estate, Ruabon, Wrexham LL14 6LA in accordance with the terms of the application, Ref RUA P/2016/0046, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this document.

Main Issues – both appeals

5. I consider that the main issues in this case are:

Appeal A: whether the proposed works would preserve the listed building or any features of special architectural or historic interest which it possesses.

Appeal B: the effect of the proposed development upon the appearance of the dwelling and thus the character and appearance of the setting of listed Wynnstay Hall.

Reasons- both appeals

Preservation of features

6. Wynnstay Hall is the former principal seat of the Williams-Wynn family and a Grade II* listed building. The reason given for its listing is that it retains much of its mid-19th century character and is associated with an important landscape and a range of estate buildings and monuments. The appeal property, No. 19, is one of a row of six dwellings which have been converted from a former estate building and, by reason of being within the curtilage of Wynnstay Hall, is also listed.
7. The rear wall of the row of converted dwellings backs onto, and is close to, the driveway to the Hall. It is therefore clearly visible within the setting of the hall and a characteristic feature. It is also the only retained part of the original estate building and thus its only feature with any architectural or historic interest. The interior and the front elevation have been rebuilt, including with extensions projecting forwards and enclosed private amenity areas, in order to make dwellings of a suitable size, standard and appearance.
8. Circular 61/96 *Planning and the Historic Environment: Historic Buildings and Conservation Areas*² states 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. It points out that the thickness of frame members tends to be greater in plastic windows than in traditional timber ones.

² Appendix to Annex D, section (d), paragraph 12

9. The appellant has drawn my attention to the new uPVC windows at Nos. 22 and 24 which I saw during my visit. Whilst it is possible to distinguish these from timber windows, the difference in appearance between them and the existing timber windows at No. 19 and neighbouring dwellings is slight. In particular, the frame members of the uPVC windows are not significantly thicker.
10. The proposal is to replace the windows in the new built part of the appeal dwelling only and to leave the existing timber windows in the rear elevation in place. Subject to the replacement windows matching the existing in terms of their size and proportions, colour, the number of panes and their layout, and in their manner of opening, I do not consider that the proposed development would harm the listed building. In the light of the statutory requirement³, therefore, my view is that the proposed works would preserve the listed building and its features of special architectural or historic interest. They would also be consistent with Policy EC9 of the Wrexham Unitary Development Plan (UDP), adopted 2005.

Character and appearance

11. It is clear that, despite being well-maintained and protected by painting, the existing timber windows at No. 19 need to be replaced. There is evidence of some rot on the outside sills and several of them are hard to open and close, particularly during damp weather when the wood swells.
12. The modern parts of the appeal dwelling and its neighbours in the row face onto a back lane where, opposite, there are four completely newly built dwellings (Nos. 22 to 25). To the north and south of the row, and at right angles to it more or less, are other converted buildings. The modern facades are not, therefore, widely visible in the setting of the listed Hall or from other parts of the historic estate.
13. Although sympathetically designed and attractive, the rebuilt parts of the converted dwellings do not replicate contemporary estate buildings. Some of their features, such as their layout; the curved tops of walls and gates; some stained rather than painted timber; the uniform and engineered appearance of the stone and brick; and modern roof lights, mark them out as fairly recently built.
14. The windows proposed would not be clearly visible from much of the wider area. In addition, the immediate surroundings of the appeal dwelling already have a quite modern appearance. In these circumstances, and as long as the replacement windows matched the existing, the proposed development would not be detrimental to the appearance of the existing building or to the character or setting of Wynnstay Hall. The windows proposed would accord with the character of the site and respect the setting and character of the listed buildings, thus complying with UDP Policies GDP1 and EC9.

Other matters

15. Any future planning applications for replacement uPVC windows will be judged on the individual merits of the case and against the development plan policies in place at the time. That is the approach I have taken in this case. I do not consider my decision will create a precedent which will result in unacceptable proposals being permitted. I am aware that Nos. 22 and 24, where uPVC windows have been permitted and

³ *Planning (Listed Buildings and Conservation Areas) Act 1990, s.16(2)*

installed, are newly built dwellings rather than conversions and that they are not considered to be curtilage listed.

16. The difficulty in opening the existing windows makes it difficult to ventilate the appeal dwelling properly such that the occupiers have experienced some problems with damp. In addition, the presence of only one external door in the dwelling means that, in the event of an emergency such as fire, the windows might be the only means of escape; it is thus essential that they operate properly. The appellant also considers that uPVC windows of the quality proposed would be more energy efficient than timber windows. The benefits of uPVC windows thus carry some weight in this case. Had I identified any harm to the listed building or to the character and appearance of the wider area, including the setting of Wynnstay Hall, those benefits would not, however, have been sufficient to outweigh the detrimental effect.
17. The appellant has discounted the use of new timber windows due to the problems with the existing windows. These have occurred despite them being well-designed, well-made and properly maintained.
18. In the light of Circular 16/14 *The Use of Planning Conditions for Development Management* I am imposing conditions which will protect the appearance of the appeal dwelling and the character and setting of Wynnstay Hall and its estate. As explained above it is essential that the replacement windows match the existing in size, appearance and manner of opening. In order to ensure this it is necessary for precise details of the proposed windows to be provided and approved by the Council prior to work commencing. It is also necessary to clarify that permission is not given for replacement windows in the rear elevation by reason of that feature's architectural and historic interest and much greater visibility within the setting of Wynnstay Hall.

Conclusion – both appeals

19. The proposed development would preserve the listed building and its features of special architectural or historic interest and would not harm the setting of Wynnstay Hall or the character and appearance of the wider area. I have taken all the matters raised into account but have not found any compelling reasons to dismiss the appeal.
20. For the reasons given above I conclude that Appeal A should succeed and that Appeal B should be allowed.

Síân Worden

Inspector

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) Prior to the commencement of the works hereby permitted, full details of the replacement windows to be installed including their size and proportions; their colour; the number and layout of the panes; and the manner of their opening; must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Notwithstanding the submitted application details and documents, replacement uPVC windows must not be installed in the rear elevation of the dwelling facing towards the main driveway to Wynnstay Hall.