

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
20 HIGH STREET WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2016/0574

PINS REF: 3169307

1.0 THE SITE

- 1.1 The appeal site comprises the first and second floors of a building located on the corner of High Street and Chester Street in Wrexham. Access to the floors is provided via ground floor entrance from Chester Street.

2.0 PROPOSAL

- 2.1 The appellant is seeking approval of details reserved by conditions 04 and 05 of planning permission P/2010/0574

3.0 PLANNING HISTORY

- 3.1 P/2010/0870 Conversion of un-used upper floors into five residential apartments. Granted 6.12.2010.
- 3.2 P/2016/0506 Application for approval of details reserved by conditions imposed under planning permission code no. P/2010/0870. Condition 2 – samples of external facing and roofing materials. Approved 19.7.2016

4.0 NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales
- 4.2 Technical Advice Note 12: Design
- 4.3 Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

5.0 LOCAL PLANNING CONTEXT

- 5.1 The following policies of the Wrexham Unitary Development Plan are applicable:
- GDP1: Development Objectives
 - EC7: Conservation Areas.
- 5.2 In addition to the above, the Wrexham Town Centre Conservation Area Assessment and Management Plan is also applicable. This document has the status of supplementary planning guidance.

6.0 THE COUNCIL'S CASE

- 6.1 The Council granted planning permission in December 2010 for the conversion of the upper floors of the building to residential use subject to conditions. The conditions subject to this appeal require the following:

Condition 04

Prior to their installation on the building, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, cross sections for glazing bars, sills, heads etc, method of opening and glazing type. The works shall only be carried out in strict accordance with such details as are approved.

Condition 05

Prior to first use of the development, all external joinery shall receive a painted finish in accordance with a colour which has been submitted to and approved in writing by the Local Planning Authority. The colour of the painted finish shall not thereafter be changed without the prior written consent of the Local Planning Authority.

- 6.2 The reason given for both conditions is as follows:

To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

- 6.3 Because the site is located within the Town Centre conservation area, the conditions were imposed to ensure that all new and replacement windows were appropriate in terms of appearance and materials, being sympathetic to the character of the building and the wider conservation area.

- 6.4 The Town Centre Conservation Area and Management Plan, Section 5, page 23, identifies a number of negative features within the conservation area. Paragraph 5.7 makes specific reference to unsympathetic replacement of window and doors with inappropriate styles and uPVC. Section 7 sets out design guidance for developments within the conservation area. Paragraph 7.8 advises:

These are important features and must be correctly proportioned, well related to each other and adjoining buildings and should respect the existing openings. Any repair or replacement must always match the original, however, retention must always be the first consideration. This includes not only structural elements of the window but also historic glass and original window furniture. Particularly important is the method of opening, the recessed depth within the reveal and the sections of glazing bars. Sash and casement windows predominate in the Conservation Area and windows almost always have a vertical emphasis. Replacement of timber or iron windows in a uPVC alternative, no matter what the pattern is unacceptable. Original dormers must be repaired and retained. All windows must have a traditional painted finish rather than a modern stained alternative.

- 6.5 Whilst it is appreciated that one of the second floor east facing windows is entirely new rather than the installation of a replacement window in an existing opening, it is important that a consistent approach is taken to the style to all of the windows in this and the rear (north facing) elevation of the building.
- 6.6 The Wrexham Town Centre Conservation Area and Management Plan clearly advises against the use of uPVC windows. Whilst it is recognised that this is guidance and that each case must also be judged on its own merits, the Council contends that unless a consistent approach is taken to the style and materials of new/replacement windows installed in existing windows in older buildings, then the objectives of the guidance will be undermined, as well the statutory requirement to preserve or enhance the conservation area.
- 6.7 The use of uPVC windows in older buildings is generally not considered appropriate in the town centre conservation area. In this particular case, the windows installed are not appropriate because they do not successfully emulate the traditional design of the cast-iron framed units that have been removed, in particular, the delicate proportions and profile of the frame, the glazing bars or the durability and quality of construction. As such the aesthetic qualities, character and integrity of the building have been preserved. In turn the replacement windows do not preserve or enhance the conservation area.
- 6.8 The appellant's statement of case (paragraphs 5.23, 5.24, 5.25 and Appendix III) refer to other examples of buildings with uPVC windows in the vicinity of the site. The Council contends that none of the examples help the appellant's case.
- 6.9 In respect of 2a Chester Street, works commenced to convert the building to residential use prior to planning permission being sought. The works included the installation of uPVC windows. The Council does not support the retention of the windows and the planning permission for conversion of the building (reference P/2016/0308) is subject to a condition to require new/replacement windows to be installed in accordance with details that are to be first submitted to and approved in writing by the Local Planning Authority. The developer disagrees with the need to replace the windows but did not submit an appeal against the condition, although they do have the option to apply to vary or remove it. So far no formal submissions have been made to either comply with or to vary or remove the condition.
- 6.10 The rear of the Wynnstay Hotel, 1-2 High Street and 5 Church Street are not comparable to the appeal case, being modern buildings where modern materials are more reflective of their character and appearance.

- 6.11 Wynnstay Apartments were the subject to two separate planning permissions for conversion of the upper floors of commercial premises to residential use, reference no. CB00267 granted in 1995 and reference no. CB03698 granted of 7 November 1999. The date the windows shown in the photographs were installed is not known, however the permissions are not subject to any conditions reserving the details of any new/replacement windows for approval. Both planning permissions were in any case granted prior to the adoption of the Wrexham Town Centre Conservation Area and Management Plan in 2009.

7.0 GROUNDS OF APPEAL

- 7.1 Whilst noting the comments made in paragraph 3.10 of the appellant's statement of case, Article 23 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that in respect of applications made under a planning condition, the authority must give notice to the application of their decision within a period of 8 weeks....or such period as may be agreed in writing by the applicant and the authority.
- 7.2 It is acknowledged that the application was initially submitted in June 2016 and it is regrettable that it took considerably in excess of 8 weeks for a decision to be made. However owing to post-submission discussions between the Council and appellant regarding the window designs and the subsequent submission of amended details, a number of extensions of time to the determination period were agreed. The final request for an extension of time was sent to the appellant's agent on 2 November 2016 and was agreed by them on 3 November 2016. This extended the determination period to 5 December 2016. A copy of the letter is appended to this appeal statement (appendix 1).
- 7.3 Whilst the Council agrees that development should not be unnecessarily prevented from proceeding/being completed due to delays in discharging of planning conditions, the extended determination period was agreed to by the appellants. In this particular case, the Council was willing to discuss amendments to the submissions in the hope of agreeing a mutually acceptable solution. Unfortunately this proved not be possible leaving the Council with no option but to refuse the application.

8.0 CONCLUSION

- 8.1 Due to their appearance and the materials used, the windows detract from the appearance of the building and in turn have a detrimental impact upon the character of the Wrexham Town Centre Conservation Area, thus conflicting with UDP policies GDP1 and EC7. The Council respectfully requests the appeal be dismissed.