

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/08/15

gan Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 28/09/15

Appeal Decision

Site visit made on 19/08/15

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date: 28/09/15

Appeal Ref: APP/H6955/A/15/3084381

Site address: 10 Tai Clawdd, High Street, Ruabon, Wrexham, LL14 6AB

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 Mr Paul Barclay against the decision of Wrexham County Borough Council.
- The application Ref P/2015/0084, dated 30 January 2015, was refused by notice dated 16 March 2015.
- The development proposed is the alteration to replace previous timber framed single glazed and not original windows with timber framed double glazed windows.

Procedural matters

1. The replacement windows have been fitted and the application made retrospectively.
2. The appellant has made reference to the National Planning Policy Framework and National Planning Policy Guidance. However, these do not apply in Wales and I have had no regard to them in making my decision.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Ruabon Conservation Area.

Reasons

5. The appeal site lies within but adjacent to the boundary of the Ruabon Conservation Area. The appeal property is the end dwelling in a terrace identified in the adopted Ruabon Conservation Area Assessment and Management Plan, 2010 as a strong 'Townscape Group'. Although alterations have been made to the dwellings, the original design of the terrace is still evident and it adds character and quality to the entrance to the Conservation Area. Other properties in the area vary in size, age and design and new development is taking place on land opposite the appeal site. The Conservation Area is the subject of an Article 4(2) Direction which came into force in 2010 and requires permission to be sought for replacement windows.

6. The Council has confirmed that the principle of replacement windows is acceptable and that the poor state of repair of the previous windows justifies replacement in this instance. However, the Council considers that the windows which have been installed are not sufficiently characteristic for the age and style of the property and their design is not consistent with the character of the terrace. The guidance given in the Management Plan is that any repair or replacement of windows must always match the original.
7. Although the replacement windows are of timber and have been installed in the original openings, the incorporation of a modern storm proofing detail has resulted in the windows sitting proud of the frame whereas originally they were set back. This gives the windows a heavier appearance and a flatter profile, in contrast to the traditional arrangement which would have given some depth to the façade and a more refined appearance. Moreover, the glazing bars to the ground floor window do not form an integral part of the frame but are applied onto the face of the glass. I consider that the detail of the windows installed does not accord with the traditional character of the dwelling and detracts from the appearance of the terrace within which it is situated.
8. I noted during my site visit that the majority of the dwellings in the terrace have replacement windows. The design of the windows varies from property to property, and many are not timber. Although I have no evidence regarding the planning history of these properties, I understand from the submissions that the changes took place prior to the Article 4(2) Direction coming into force and that replacement windows recently installed in No. 7 are the subject of a current application before the Council. Whilst there may be a variety of styles in the terrace at present, I understand that one of the objectives of the Direction is to re-introduce original window styles as and when they are replaced.
9. I acknowledge that there are other properties in the area with more modern design of windows, although I note that the Council has required a sensitive design on the road frontage of the new development opposite the appeal site. I have also had regard to the appeal decisions referred to by the appellant and whilst I accept that there are similarities between those cases and the one before me, one case was allowed in the context that uPVC had been permitted on other properties, one was not subject of an Article 4 Direction, and the third related to a modern development. The circumstances are not directly applicable to the appeal before me which I have treated on its merits.
10. The appellant also raises matters concerning the Council's confirmed intention to take enforcement action should the appeal be dismissed and consequent financial implications. However, the issue of enforcement action is a separate matter for the Council and not for me to consider as part of an appeal against the refusal of planning permission.
11. For the reasons given above, and having had regard to all other matters raised, it is concluded that the development would neither preserve nor enhance the character or appearance of the Ruabon Conservation Area, contrary to Policy EC7 of the Wrexham Unitary Development Plan, 2005. The appeal is therefore dismissed.

Kay Sheffield

Inspector