

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/05/15

**gan Richard Duggan BSc (Hons)
DipTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 10/06/15

Appeal Decision

Site visit made on 18/05/15

**by Richard Duggan BSc (Hons) DipTP
MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 10/06/15

Appeal Ref: APP/H6955/A/15/2230129

Site address: 8 Mount Pleasant, Ruabon, Wrexham LL14 6DT

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 Miss Kim Watson against the decision of Wrexham County Borough Council.
- The application Ref RUA P/2014/0716, dated 16 September 2014, was refused by notice dated 5 December 2014.
- The development proposed is described as *"Replace rotten wooden windows with upvc in same size as original window frames treated with grained foil finished in Chartwell Green to resemble painted frames. Replace porch front French doors with the same. Replace felt roof on porch with slate to match the main roof. Pictures of simulation appearance, openings and specs attached."*

Decision

1. The appeal is dismissed.

Procedural matter

2. I note that the development to which this appeal relates has already been carried out.

Main Issue

3. The main issue is whether the proposed replacement windows would preserve or enhance the character or appearance of the Ruabon Conservation Area (CA).

Reasons

4. The appeal relates to a two storey terraced house with a simple facade. It is part of a terrace of ten houses with long front gardens that run down towards the adjacent church. The appeal property is located within the Pont Adam and Mount Pleasant Character Area as set out within the Adopted Ruabon Conservation Area Assessment and Management Plan, December 2010. The CA Assessment specifically refers to Mount Pleasant and states that most of the original door and window details have been lost, although multi-paned iron easement windows remain to the ground floor of No1. Prior to the adoption of the CA Assessment, the Ruabon Conservation Area Article 4(2) Direction came into effect in September 2010 removing householders'

permitted development rights to carry out certain minor works to the front elevation of their properties, including the replacement of windows. Therefore, I give the Council's action in respect of the Article 4(2) Direction significant weight. It demonstrates both the importance the Council places on the contribution that property frontages make to the character and appearance of the CA and its determination to ensure that these are not materially harmed by inappropriate changes.

5. The appellant argues that the style of the replacement UPVC windows and doors would be broadly similar to the previous windows. I also acknowledge that the previous windows were not the originals and were of a basic design. Nevertheless, the door and window frames as installed are thicker and given their synthetic external finish, would be a poor imitation of the previous windows and the more traditional sash windows one might expect in a property of this style and age. Additionally, whilst the UPVC windows attempt to imitate wood grain, its appearance is less three dimensional and does not adequately replicate a timber painted finish. On the basis of the submitted detail, I have not been convinced otherwise.
6. Substantial improvements can be achieved in other ways, without the need for unsympathetic replacements. Although the timber windows that were removed may have been rotten and not operable and that they had started to fall out and potentially raised security issues, I have no evidence that they could not have been repaired, or replaced with matching units. The restoration of the appeal property by the Appellant has brought the building back to a high standard. However, this is a broader policy issue than that which is the subject of this appeal. It does not lessen the requirement of the statutory test in the case of the development.
7. The degree of harm caused by this individual scheme to the character and appearance of the CA may be individually slight. Nevertheless, in view of the special regard and attention to be given to such matters, it would be significant. Views of the terrace and of the appeal property are also limited, but I consider that a lack of public views of the site should not be a reason to ignore an overall harmful effect on the CA. Moreover, if repeated often, the use of such replacements would lead to widespread and very significant harm.
8. There are other properties with UPVC windows in the CA, and within the majority of houses in the same terrace as the appeal property. Many are inappropriate and have undoubtedly diluted the overall quality of the character and appearance of the CA in my view, and it only compounds my concerns about the appeal proposal. However this appeal demonstrates that the LPA is utilising relevant policies and legislation, to pursue action to limit the harm they cause to Ruabon's historic character, and approval of the UPVC windows and door on the appeal property would undermine these measures. I consider that allowing this appeal would weaken the Council's position and make it more difficult for it to resist other applications relating to other similar properties. It is therefore likely that it would lead to more widespread and significant harm.
9. In my opinion, the replacement windows have a significantly different appearance to the previous timber framed windows. As a result, the replacement windows neither preserve or enhance the character or appearance of the CA, contrary to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal proposals would also conflict with Policies GDP1(a) and EC7 of the Adopted Wrexham Unitary Development Plan, 2005 and the aims of the Adopted Ruabon Conservation Area Assessment and Management Plan, December 2010.

10. The Appellant has drawn my attention to the advice provided by Council officers and the level of customer care received during the planning application process. However, these are issues that I am unable to assess and are therefore not material planning considerations in the determination of this appeal.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR