

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **12<sup>TH</sup> MAY 2015**

**ADDRESS/LOCATION** : **1 ALBION STREET, GLOUCESTER, GL1  
1UE**

**APPLICATION NO. & WARD** : **15/00219/FUL (WESTGATE)**

**EXPIRY DATE** : **22 APRIL 2015**

**APPLICANT** : **Ms HENRIETTA LAMPKIN**

**PROPOSAL** : **RETENTION OF SASH-BOX UPVC  
WINDOWS**

**REPORT BY** : **CAROLINE ANSELL, CONSERVATION  
PROJECTS OFFICER**

**NO. OF APPENDICES/  
OBJECTIONS** : **1. SITE LOCATION PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is for the retention of UPVC sash-box windows. In October 2014 the applicant replaced her timber sash windows with double glazed UPVC sash windows. Under the General Permitted Development Order 1995 as amended, planning consent is not required for this type of work to a private dwelling even if it is in a conservation area. However Local Authorities can take away these rights by placing an Article 4 direction on specified properties in the Conservation Area. This property lies within the Southgate Street Article 4 Area which was set up to support the work of the Southgate Street Townscape Heritage Initiative Grant Scheme which will run for five years from September 2013. The applicant replaced her windows within 8 months of the Article 4 coming into affect without first applying for planning permission, so the application is retrospective.
- 1.2 The application site is located at the entrance to Albion Street near the junction with Southgate Street. The property is a detached three storey house with a basement. The property is a Victorian town house constructed in red brick and lies within the Southgate Street Conservation Area. It is identified as a positive building on the townscape appraisal map as it makes a positive contribution to the character and appearance of the Conservation Area.

1.3 The application has been brought to Committee at the request of the Head of Planning.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 12130 (P/31/64):- (OUT APP) DEMOLITION EXISTING HOUSE,ERECT OFFICE,WAREHOUSE,EXT – approved – 25/02/64

## **3.0 PLANNING POLICIES**

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are the most relevant:

- BE.21 – Safeguarding of amenity
- BE.29 – Development within Conservation Areas

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

3.7 In 2013 the Southgate Street Conservation Area Appraisal and Management Proposals document was reviewed and a revised document was approved in Jan 2014. Policies CA2/10 & CA2/11 are most relevant in this case. The Article 4 direction came into force on 14<sup>th</sup> February 2014.

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

4.1 **Conservation** - I have assessed this application in the light of the NPPF, in particular S12 on Conserving and Enhancing the Historic Environment; the Joint Core Strategy-Submission Version Nov 2014, Policy SD9- Historic Environment; the Gloucester City Council Revised Deposit Local Plan August 2002, Policy BE29-Development within CA's and Policies CA2/10 and CA2/11 in the Southgate St. CA Appraisals & Management Document. At national level although there is a presumption in favour of sustainable development, one of the 12 core planning principles which should underpin decision making is the 'conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed by future generations'.

I accept that the plain timber sash windows which have been replaced were unlikely to have been the original Victorian windows and that they were in poor state of repair. The applicant told me that she had based the style of her new windows (although not the material) on an old timber, four-pane sash window with horns to the top sash, she had found in her back garden. She no longer has this window but says that it was very similar to the ones at first floor level in No. 5 Albion St. This style of window, which can also be seen round the corner in Southgate St. at the Whitesmith's Arms, is typical of a mid-Victorian window, it was only in the late Victorian period that plain sashes were more common and then there were lots of variations on a theme. Therefore, if the applicant had sought my advice prior to submitting an application, I would have been likely to agree such a style but in timber and single glazing, as being an appropriate style for the age of the building and thus enhancing its appearance. However, in my opinion the windows which have been fitted do not sustain or enhance the significance of the heritage asset by virtue of the fact that the windows are double glazed and made out of white uPVC.

As part of her case for retaining the windows, the applicant states that neighbours have commented on how good the windows look and that they can't tell the difference between them and timber single glazed ones. Whilst I accept

that the design of the windows is a better attempt than most, being of a sash style with individual panes of glass between the glazing bars, it is in my view still clearly not historically correct. The use of white uPVC gives a uniform sheen, unlike the individuality of painted wood. Being double glazed there is a reflection in the glass you don't get from single glazing and the depth of the meeting rail appears greater. The applicant has also stated that she could not afford timber windows, the quote being over twice that for uPVC. From April 2011 to March 2012 the City Council ran a facelift grant scheme in the Southgate St Conservation Area. In Nov 2011 the applicant applied for a grant to repair and restore her existing sash windows. In Feb 2012 she was offered a grant of 60% of the cost of the cheapest quote. This was not taken up. It is worth noting that if it had been agreed that the windows were beyond repair, which is the applicants' case, then she could have applied for a grant for new timber sash windows.

I therefore recommend refusal of the application on the following grounds:

That the uPVC, double glazed sash windows by virtue of their material and construction are harmful to significance of the heritage asset, namely a positive building in the Southgate Street Conservation Area and are therefore contrary to the policies outlined in the third paragraph above.

**4.2 Townscape Heritage Initiative Officer** - The above property falls within the Southgate St Conservation Area and within the Southgate Street Townscape Heritage Initiative boundary, and is subject to the Article 4 Direction for that area, where the usual permitted development rights have been removed.

The Southgate St Article 4 Direction has been implemented as part of an ongoing process of review and management of the City's conservation areas, and is a key element of the Council's drive to preserve and enhance the historic character of the Southgate St conservation area. The Article 4 Direction was also a Heritage Lottery Fund (HLF) requirement as part of the successful bid for Townscape Heritage Initiative (THI) funding. The Townscape Heritage programme provides funding for schemes which help communities to improve the built historic environment within conservation areas in need of investment across the UK. One of the key aims of the scheme is to reinstate lost architectural detailing and enhance properties where insensitive alterations have taken place. This includes the replacement of unsympathetic UPVC windows with traditional timber sashes.

HLF guidance on the THI under its section on 'Maintaining and managing the conservation area during the lifetime of the scheme' states that "Where necessary, all conservation areas which benefit from THI funding should have an Article 4 direction imposed, ideally before the scheme starts". When Gloucester City Council was awarded the funding for the scheme in Sep 2013, adoption of the Article 4 Direction was made a specific condition of the grant.

The Article 4 Direction gives the local authority the power to remove such permitted development rights that are considered to have the most detrimental impact on the street scene including the replacement of traditional timber

windows with inappropriate materials including plastic. Previously permitted development had impacted negatively upon the heritage value of the conservation area through incremental changes in the use of inappropriate materials and loss of original architectural features. The Southgate Street THI grant award from HLF was established on the basis that this process of decline would be addressed through an Article 4 Direction.

The properties on Albion Street have been identified as 'Positive' buildings within the Southgate Street Townscape Heritage Initiative Conservation Management Plan (September 2013). They are therefore seen as making a positive contribution to the built heritage and historic character of the area. UPVC is considered an inappropriate material. Its use is not sympathetic to the ethos of the THI management plan and undermines one of the key aims of the THI scheme.

Regular progress reports are made to the HLF as a requirement of the funding. Evaluation of the scheme, including its wider impact and the success or otherwise of initiatives undertaken, including the Article 4 Direction, is required. It is therefore fundamental to the success of the THI scheme, that the Article 4 Direction is implemented as intended, and that the use of inappropriate materials within the conservation area is discouraged.

**4.3 Civic Trust** – Planning permission should be refused. This house (1845) makes a positive contribution to the Southgate Conservation Area and it is tragic that the applicant has carried out the work without planning permission when she had previously been offered a grant by the council to replace the windows in wood. The council had also informed the applicant that permitted development rights did not apply in the Conservation Area. The panel's policy is to prevent the further erosion of Gloucester's built heritage through the unauthorized installation of plastic windows in listed buildings and those in Conservation Areas.

**4.4 Urban Design** – no comment

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through a Site Notice, Press notice and 21 neighbours were notified of the application – A petition with 9 neighbours signatures has been submitted with the application in support of the existing windows retention.

1 letter has been received from a resident of Brunswick Square stating that although they are UPVC they are very sympathetic to the building. I hope permission is granted as they are at least the right style unlike so many others in the area.

5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

## **6.0 OFFICER OPINION**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The Article 4 direction only applies to those parts of the building which front a highway or open space. Therefore this application solely relates to the replacement windows on the front of the building. A site visit was undertaken to view the windows in the context of the Conservation Area. It was noted that within the street there are very few examples of traditional windows, these changes having been made prior to the Article 4. The neighbouring property has poorly designed UPVC windows as do many of the properties. It is noted that the applicant, although using a non traditional material has used a traditional style. As referred to in my comments above, it is my view that if the applicant had sought pre-application advice then the style of the existing windows would have likely to have been supported but only if the windows had been constructed in timber and single glazed. It is therefore agreed that the style is appropriate for this age of property but not the material or double glazed aspect.
- 6.3 Policy CA2/10 of the Southgate Street Conservation Area Management Proposals (which has been adopted for Development Control purposes and is a material consideration) states that the council will establish and enforce Article 4 Directions to protect buildings that retain original features from inappropriate alteration. In addition, Policy CA2/11 states that the Council will encourage property owners to reverse unsympathetic alterations and to reinstate architectural features such as windows with modern replacements in the style and materials of the originals.
- 6.4 The Article 4 Direction has already been established in terms of policy CA2/10. In terms of CA2/11, as the windows are in situ it must be assessed whether the windows are significantly harmful to the character of the Conservation Area to warrant refusal. In my view they are for the reasons stated in the third paragraph of the Conservation comments above, i.e. white Upvc appears different to white painted timber in that it has a uniform sheen as opposed to the texture and grain of wood, in addition being double glazed there is a reflection from the glass that you don't get from single glazing and the depth of the meeting rail is greater.
- 6.5 The policy test to be applied is whether the development would preserve or enhance the character and appearance of the Conservation Area. In my view the new windows do not preserve or enhance the character and appearance of the CA as they have been made in a non-traditional way using non-traditional materials. This is the first application to be considered since the

Article 4 was put into place and in my view it is important that the reasons for setting it up i.e. to reverse the decline in the historic character of the area are supported in the decision making process.

6.7 It is recommended that the application is refused.

Human Rights

6.10 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

**7.0 RECOMMENDATIONS OF THE HEAD OF PLANNING**

That the application be refused for the following reason:

1. The uPVC, double glazed sash windows by virtue of their material and construction are harmful to the significance of the heritage asset, a positive building in the Southgate Street Conservation Area and are therefore contrary to paragraph 131 in the NPPF, policy SD9 in the JCS Submission Version Nov 2014, policy BE29 in the Gloucester City Council Revised Deposit Local Plan August 2002 and policy CA2/11 in the Southgate Street Conservation Area Appraisal & Management Proposals Document Jan 2014.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision: .....

Notes: .....

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Person to contact:

Caroline Ansell (Tel: 396194.)



15/00219/FUL

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Planning Committee 12.05.2015



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