

Appendix C

Appeal by Sycamore Estates

Replacement windows to rear of 9-21 Stephenson Place,
Chesterfield.

CHE/18/00167/FUL

2/2126

1. Planning permission was refused on 7th June 2018 for replacement windows to the rear of 9 – 21 Stephenson Place for the following reasons:
The replacement windows by virtue of their thick profile, lower openings and overall general design are not considered to preserve or enhance the special character of the building, the wider Chesterfield Town Centre Conservation Area and the setting of a Grade 1 Listed Building having regard to the principles of policy CS19 of the Chesterfield Local Plan: Core Strategy and Chapter 12 of the National Planning Policy Framework. It is not considered that that the needs of the business justify the loss / erosion of architectural features which are considered to contribute to the special character and appearance of the conservation area designation and have a valuable contribution to local distinctiveness. The public benefit of the proposals does not outweigh the scale of resultant harm the alterations will have upon the special character and appearance of the building, the wider impact upon the Chesterfield Town Centre Conservation Area and setting of a listed building and therefore the proposed alterations are unacceptable.
2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues in this case are the effect of the proposal on the character and appearance of the building and linked to that, the effect of the proposal on the setting of the Grade I Listed Building St Mary and All Saints Church, also known as the 'Crooked Spire', and whether the proposal would preserve or enhance the character or appearance of the Chesterfield Church Close Conservation Area.

4. The appeal building is a substantial red-brick building, some 3-4 storeys in height, which dates from the Edwardian period. The building has an architecturally detailed frontage to Stephenson Place. The rear elevation has a plainer appearance but as a result of its scale and form, it forms a visually robust backdrop to St Mary and All Saints Church (the church) and a well-defined sense of enclosure to the churchyard within which the church is set. The rear of the building is highly prominent from a number of vantage points in the public realm around the church and is clearly part of its setting.
5. The windows are a significant feature of the rear elevation of the building, given their number, positioning and rhythm. Photographs of the original frames taken prior to their removal, indicate that they had slim sections and were recessed into their openings although it appears there was some variation in their style. Although there are modern elements on the rear elevation of the building that are less than sympathetic to its character and appearance, including a fire escape and downpipes, the building considered as a whole makes a positive contribution to the character and appearance of the Conservation Area and the setting of the Listed Building.
6. There are only very limited details of the replacement windows before me. However, uPVC is not a traditional window material and, as the inspector saw on site in this case, tends to be bulkier, flatter and smoother than traditional timber units, giving them a modern and less refined appearance. The impact of the uPVC here is compounded by the opening mechanism, whereby the lower light opens out from the middle rail, and by the position of the frame in the reveal which lacks any significant recess. Because the window openings at the rear are an important aspect of the building's character, the uPVC units cause considerable harm to the appearance of the building.
7. The inspector understands that the appellant is willing to reposition the frames so that they are recessed back within the wall reveal. However, there were no details of this before the inspector, and in any event, this alone would not rectify the

harm caused by the materials, the bulky sections and the unconventional opening mechanisms of the windows.

8. The appellant drew attention to uPVC windows in an adjacent building. However, the Council advises that there is no record of permission being granted for the replacement of windows at this property. Notwithstanding this, these windows do not constitute examples of sympathetic development in a Conservation Area, and do not therefore justify the appeal proposal. Given the prominence of the building in the public realm and its importance at the heart of the Conservation Area, the proposal would also have an adverse effect on the character and appearance of the Conservation Area. Similarly the proposal would adversely affect the setting of the listed building which, given its Grade I status, is a building of the highest significance. As such the proposal would be contrary to the statutory requirements of s.72 (1) and s.66 (1) of the Town and Country Planning Act 1990 (the Act) which require that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and special regard is had to the desirability of preserving, amongst other things, the settings of Listed Buildings.
9. For these reasons the proposal would also conflict with Policy CS19 of the Chesterfield Local Plan: Core Strategy 2013 which seeks to protect the historic environment and heritage assets and requires all new development to preserve and enhance the local character and distinctiveness of the area. Paragraph 196 of the National Planning Policy Framework 2018 states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, this harm should be weighed against the public benefits of the proposal.
10. The inspector acknowledges that the proposal may improve thermal efficiency although there is no specific evidence before me to support this assertion. The inspector also understands that the previous windows may have been weathered. However, there was nothing before the inspector to demonstrate that they were beyond repair or could not have been replaced with timber frames similar to the original. Consequently these matters, even if they were considered

public benefits, carry little weight in support of the proposal. As such, public benefits are not sufficient to outweigh the harm identified, harm which, given the weighty requirements of the Act, carries great weight.