



# Appeal Decision

Site visit made on 7 December 2021

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday 10 January 2022**

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**Appeal Ref: APP/L3245/D/21/3282042**

**9 Bernards Hill, Bridgnorth WV15 5AX**

- 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 Mrs Diane Simpson against the decision of Shropshire Council.
  - The application Ref 21/02338/FUL, dated 6 May 2021, was refused by notice dated 5 August 2021.
  - The development proposed is replacement windows and doors to named property.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. This appeal decision relates to the front elevation of 9 Bernards Hill. The replacement windows to the rear of the property are considered by the Council to be permitted development and therefore do not form part of this appeal.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Bridgnorth Conservation Area.

## Reasons

4. The appeal site comprises an end of terrace dwelling, located in the Bridgnorth Conservation Area. This is characterised by half-timbered and brick-built buildings associated with the town's medieval and Victorian roots, centred on a medieval marketplace. This very much defines its significance as a designated heritage asset. No 9 Bernards Hill is one of three properties within a wider terrace that were likely built during the early to mid-nineteenth century. No 9 is classified as a non-designated heritage asset.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Bridgnorth Conservation Area.
6. The Article 4 Direction relating to No 9 and dated April 2000 requires owners to submit a planning application for works that were previously permitted by the GDPO, including the *"insertion, removal, alteration or replacement of windows and doors"*.
7. Although there are properties in Bernards Hill that have retained their original timber-framed windows and doors, the use of uPVC is evident in the street-scene. I also note that the two neighbouring properties within the wider terrace

(Nos 10 & 11) have replacement uPVC windows and doors, but they have tried to imitate the sliding sash window style in white uPVC instead of timber. However, I have not been presented with any planning history for these properties and so it is not clear to me whether these replacement windows and doors were granted planning permission or not. I have therefore determined this appeal on its own individual merits having regard to the particular characteristics of the appeal site.

8. The principal elevation of No 9 is a traditional red brick dwelling with large white sliding sash timber-framed windows and a red timber panelled front door that characterises this property. The overall materials and detailing of the property mean that it has a strong historic identity and makes a positive contribution to the character and appearance of the Conservation Area. In particular, the intricate timber-framing of the sash windows and the timber panelled door form key identifiable features of this property that are important and sensitive to its heritage significance.
9. Replacement uPVC sliding sash windows and doors of similar modern materials would not fully replicate the appearance of the timber-framed sash windows and timber panelled doors, including matters of finish and fine detailing. The introduction of uPVC double glazing would introduce modern materials in what is presently a largely intact historic property. The installation of uPVC would therefore remove important historical fabric of this property and not replace 'like for like'. The frames of the uPVC windows would also appear thicker than the existing thinner timber-frames. This would detrimentally alter the appearance of the principal elevation of No 9 by not replicating the proportions of the existing windows, which in their current state make a positive contribution to the character and appearance of the Conservation Area. The proposal would therefore diminish the character of the principal elevation of No 9, resulting in harm to the historic integrity and significance of this non-designated heritage asset.
10. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, resulting in less than substantial harm to the significance of this designated heritage asset. Paragraph 202 of the Framework indicates that such harm should be weighed against the public benefits of the proposal. However, while I note the appellant considers the proposal would be of benefit because No 9 has several safety and fire hazard risks with the windows and doors, I have not been presented with evidence to suggest that uPVC windows and doors would perform significantly better than timber-framed windows and doors. I consider the use of uPVC would be likely to accrue to private interests rather than being wider public benefits.
11. Therefore, giving great weight to the conservation of the designated heritage asset, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. In failing to preserve or enhance the character or appearance of the conservation area the proposal would harmfully detract from the significance of the non-designated heritage asset in conflict with Policy MD2 of Shropshire Council's Site Allocations and Management of Development Plan (SAMDP) (adopted 2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets. The proposal also fails to comply with policy MD13 (SAMDP), which seeks to ensure that proposals avoid harm or loss of significance to non-designated assets, including their settings.

12. The proposal also fails to accord with Policy CS17 of the Shropshire Council's Core Strategy (CS) (adopted 2011), which seeks to ensure development protects and enhances the historic environment and does not adversely affect the visual, heritage values and functions of these assets and contributes to local distinctiveness. The proposal would also fail to accord with policy CS6 (CS), which seeks to protect, restore, conserve, and enhance the built and historic environment and ensure development is appropriate in design taking into account the local context and character.

### **Other Matters**

13. I note the personal circumstances of the appellant and I have sympathy for their situation. However, I have determined this appeal on its own individual merits having regard to the particular characteristics of the site and have found no factors that would outweigh the harm I have identified.

### **Conclusion**

14. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

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

*Helen Smith*

INSPECTOR