



Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 14/01/19

gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.04.19

Appeal Decisions

Site visit made on 14/01/19

by Janine Townsley LLB (Hons) Solicitor
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 04.04.19

APPEAL A

Appeal Ref: APP/E6840/C/18/3216211

Site address: Ty Mymwent, 2 Denbury Mews, Usk, NP15 1FB.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jason Emes against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, which was unnumbered, was issued on 18 October 2018.
- The breach of planning control as alleged in the notice is installation of modern UPVC windows where permitted development rights have been removed.
- The requirements of the notice are remove the modern UPVC windows from the front of the property and replace with timber box sash windows.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

APPEAL B

Appeal Ref: APP/E6840/A/18/3216215

Site address: Ty Mymwent, 2 Denbury Mews, Usk, NP15 1FB.

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 Jason Emes against the decision of Monmouthshire County Council.
- The application Ref DM/2018/01228, dated 30 July 2018, was refused by notice dated 17 October 2018.
- The development proposed is removal of existing timber sash windows to front elevation and replacement with double glazed UPVC hinged windows.

Decision Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision Appeal B

2. The appeal is dismissed.
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Procedural Matters

3. This decision relates to two separate appeals. Appeal A, the enforcement appeal (APP/E6840/C/18/3216211) and Appeal B, (APP/E6840/A/18/3216215) the appeal against the refusal to grant planning permission.
4. I observed that the development has already taken place. As such, Appeal B before me seeks retrospective consent and I have considered it under section 73A of the Town and Country Planning Act 1990 as amended.
5. I am satisfied that the replacement windows referred to in both appeals are the same. Accordingly, the main issue and evidence for both appeals are identical and for this reason the main issue and reasons set out below should be read as applying to both appeals.

Main Issue

6. This is whether the replacement windows preserve or enhance the character or appearance of the Usk Conservation Area (UCA).

Reasons

7. The appeal relates to replacement windows which have been installed to the front elevation of 2 Denbury Mews which falls within the UCA.
8. The appeal property is a detached dwelling located within a small cul de sac of similarly proportioned but individually designed dwellings within a predominantly residential area. The appeal dwelling was constructed following a grant of planning permission in 1990 subject to a number of conditions, one of which removed certain permitted development rights. This means that the replacement of windows required planning permission. The dwelling, and others around it, were constructed using traditional detailing with Georgian influences, including timber sash windows and the Council's evidence states that it was to protect these features and to maintain the special character of the UCA that permitted development rights were removed from the original permission.
9. The UCA was designated in 1976. Within the Usk Conservation Area Appraisal (2016), Denbury Mews falls within Character Area 6 where it is recognised that in contrast to other parts of the conservation area, there is a "significant encroachment of 20th century development". The Appraisal goes on to assess post-war houses and makes express reference¹ to the development on Denbury Mews, of which the appeal dwelling forms part, as "carefully sited within the street scene and demonstrate a good understanding of historic style and detail".
10. I have no pictorial evidence of the windows pre-replacement, however, the dwellings either side of the appeal property retain their timber sash windows and provide a useful reference point. Additionally, from the Council's evidence, I understand that the general design of the replacement windows are based upon the originals and from this I have taken that the original windows would have been a "Georgian" style eight over eight pane sash.
11. In this case, the choice of replacement windows are not sash opening. This is evident from the centre mullion which is substantially thicker than the original would have been. This, together with the thicker frame means that the windows do not resemble

¹ at paragraph 7.4.63

the original other than in terms of the number of panes. Although the general design of the windows may have sought to replicate the original windows, the windows have failed to replicate timber. UPVC is less three-dimensional than timber and the bars and mullions are heavier than the slender timber predecessors. Overall, the windows contrast starkly with the timber sash windows of the dwellings either side and are unsightly in comparison, meaning that the appeal dwelling does not contribute as positively to the UCA as it would have prior to the replacement of windows.

12. The frontage of the appeal dwelling is clearly visible from vantage points within the Denbury Mews and from Four Ash Street beyond. Since the windows are on the front elevation of the dwelling, they are prominent in the street scene. Whilst there is some boundary screening to the frontage, this screens only part of the ground floor windows and the four first floor windows are unscreened.
13. Overall, I consider that the original timber sash windows would have made a positive contribution to the character and appearance of the UCA, both individually and as part of the group of dwellings in Denbury Mews. For the aforementioned reasons, the replacement windows jar with those in the dwellings either side and this undermines the positive impact they make to the UCA. The development cannot therefore be considered to preserve or enhance that character or appearance of the UCA.
14. I acknowledge that the dwelling is not listed as having a particular or special contribution to the UCA in the Appraisal, notwithstanding this, the original windows would have made a positive contribution to the character and appearance of the UCA.
15. I observed that a number of properties in the surrounding streets have UPVC replacement windows and doors. However, I have no information relating to particular circumstances and planning history of these examples. Nevertheless, it is my view that past unsympathetic replacement windows elsewhere in the UCA have diluted the overall quality of the character and appearance of the area, and this matter reinforces my concern regarding the appeal proposal and its impact on the special interest that remains.
16. For these reasons, I conclude that the form of the replacement windows are significantly different to the original windows. The replacement UPVC windows have a materially different and less authentic appearance, and neither preserve nor enhance the character or appearance of the UCA, contrary to the intent of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and policies HE1 and HE2 of the Monmouthshire County Council Local Development Plan 2011-2021. Furthermore, the proposal also conflicts with policy DES1 which requires, inter alia, that development should respect the existing materials within the setting.
17. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conclusion – Appeals A and B

18. For the above reasons, and taking into account all matters raised, I conclude that both appeals should be dismissed.

Janine Townsley

Inspector