

PLANNING INSPECTORATE APPEAL DECISIONS		
<b>20188050A</b>	<b>28 TOWER STREET</b>	
Proposal:	<b>UNAUTHORISED INSTALLATION OF FIRST FLOOR UPVC WINDOWS TO FRONT OF HOUSE</b>	
Appellant:	Mrs Maryan Sh ismail Mohamed	
Appeal type:	Enforcement Notice Appeal	
Appeal received:	10 September 2018	
Appeal decision:	Dismissed	
Appeal dec date:	26 February 2019	
ACB	AREA: C	WARD: Castle



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### Summary

- Enforcement notice issued in respect of replacement UPVC windows to first floor of a house in a conservation area.
- Appeal made that permission should be granted but dismissed.
- Enforcement notice now in effect and compliance due by 21 May 2019.

### The Site

The property is an end-of terrace two storey house. To the north and east are residential properties. To the south is HMP Leicester which is Grade II listed and to the

west is a car park. The site is located within the New Walk Conservation Area and is covered by an Article 4 direction which was confirmed in March 1981.

### **The Enforcement Notice**

In September 2018 an enforcement notice was issued in respect of the unauthorised installation of UPVC windows to the first floor of the front of the property. The notice required the following steps to be taken;

1. Remove the UPVC windows from the first floor of the front elevation of the property and remove all associated waste materials.
2. Install timber framed sliding sash windows to the first floor of the front elevation of the property of a design and style to match those shown in the attached photograph.

The notice was issued for the following reasons;

1. It appears to the Council that the breach of planning control has occurred within the last 4 years.
2. The windows, due to the materials used and the design, have a detrimental impact on the building, the streetscene and the character and appearance of the New Walk Conservation Area contrary to the National Planning Policy Framework and policies CS3 and CS18 of the Leicester Core Strategy.

### **The Appeal Decision**

The appeal was submitted on ground (a) which states that planning permission should be granted for what is alleged in the notice. The appeal was dismissed and the enforcement notice upheld.

### **Commentary**

The Inspector considered that the main issue was whether the UPVC windows preserve or enhance the character or appearance of the New Walk Conservation Area.

The Inspector found that the uPVC frames have a relatively wide profile and an overly modern reflective shiny appearance. They lack the detailing, elegance and opening style of timber sliding sash windows, are comparatively clumsy in appearance, especially where the upper and lower lights meet or when the windows are open, and are unsympathetic to the traditional appearance and architectural composition of the appeal property and the host terrace. All this is brought into relief here given that timber sliding sash windows remain in place in the remainder of the neighbouring properties. A high quality design response has not been adopted at the appeal property.

The appellant had claimed that the windows as a number of other properties had UPVC windows installed. The inspector found that on the evidence submitted by the Council that these other windows were immune from enforcement action having been installed more than 4 years ago.

The inspector further found that timber sliding sash windows are still present at most properties along Tower Street in general or in Alma Terrace specifically. They are intrinsic features to the traditional architectural form and character of the host

buildings. The loss of original details, such as windows, can be a cumulative process which, if left unchecked, can be damaging to the conservation of the built heritage.

The Inspector concluded that whilst the harm caused was less than substantial there were no public benefits that were identified and the development was not in accordance with paragraph 196 of the National Planning Policy Framework.

The Inspector therefore dismissed the appeal.

The appeal decision is welcomed as it reinforces the Council's policies in relation to replacement UPVC windows in conservation areas. The enforcement notice is now in effect and the owners of the property have until 21 May 2019 to comply with it.