

**Planning Committee:** 29 March 2022

**Item Number: 8**

**Application No:** [W 22 / 0225](#)

**Town/Parish Council:** Warwick

**Case Officer:**

George Whitehouse

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**Registration Date:** 08/02/22

**Expiry Date:** 05/04/22

**Westbury Court, 50 Coten End, Warwick, CV34 4NP**

Replacement of existing windows and doors FOR Orty Design

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This application is being presented to Committee as more than 5 or more letters of support have been received and it is recommended for refusal.

**RECOMMENDATION**

It is recommended Planning Committee refuse this application for the reasons set out in this report

**DETAILS OF THE DEVELOPMENT**

Replacement of existing timber windows with uPVC.

**THE SITE AND ITS LOCATION**

Westbury Court is a modern building sat within a prominent position within the Warwick Conservation area. The application site is also visible from St. Nicholas Park. The park is on the Local List of Heritage Assets.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE3 - Locally Listed Historic Assets
- [Guidance Documents](#)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection. Agree with the comments made by the conservation officer.

**Conservation Officer:** Objection due to harm to Locally Listed Building, Conservation Area and historic park.

**Public Response:** 19 letters of public support citing that upvc would be acceptable appearance-wise, improve building's energy consumption and that other dwellings in the immediate surrounding area have uPVC windows.

## **ASSESSMENT**

### Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

As per the Windows in Listed Buildings and Conservation Areas Supplementary Planning Document produced by WDC, uPVC windows are not supported within Conservation Areas. The use of double glazing is acceptable, as it is already in use and this is not a historic building, but the large concentration of plastic windows would cause unacceptable visual harm to the appearance of the building, and the significance of heritage assets, including the Conservation Area and the setting of St Nicholas Park (a Locally Listed Park).

The Council have no objection to replacement windows providing they are of an appropriate material.

The applicants have raised that there are other dwellings in the area which have uPVC windows. However, single dwellinghouses can change from timber to uPVC windows without planning permission under permitted development rights. These permitted development rights do not apply to flats. Where the Council has control

over window materials it must rely on its adopted policy which states that changes from timber to uPVC must be resisted within areas and on buildings which are historically important such as the application site.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, there are no public benefits which outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document.

### **Summary**

The proposals would result in unacceptable harm to the Conservation Area and the setting of the locally listed park and are contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. It is therefore recommended planning permission is refused.

### **REFUSAL REASONS**

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Local Plan Policy HE3 states development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset and goes on to state that change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

In the opinion of the Local Planning Authority the proposed uPVC windows as a non traditional material would result in less than substantial harm to the significance of the conservation area and the local listed park.

No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

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