

**Planning Committee:** 11 October 2005

**Item Number:** 13

**Application No:** W 05 / 1414

**Registration Date:** 05/09/05

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 31/10/05

**Case Officer:** Sandip Sahota

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**34-36 High Street, Leamington Spa, CV31 1LW**

Installation of UPVC windows to first and second floors fronting High Street.(Retrospective Application) FOR Mrs C Wong

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This application is being presented to Committee in order to request that enforcement action be taken.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Raises objection on the following grounds: "*Windows in Conservation Areas to be approved prior to installation by the Conservation Architect*".

**Neighbours:** One letter of objection received on grounds that the windows are detrimental to the historic character of the area.

**RELEVANT POLICIES**

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV9 - Design Guidance for New Development within Conservation Areas (Warwick District Local Plan 1995)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

**PLANNING HISTORY**

In May 2005 it was brought to the attention of the Enforcement Section that UPVC windows had been installed at 32 and 34-36 (same ownership) High Street, Leamington Spa, without the benefit of planning permission. The owner of the property was contacted by an Enforcement Officer and advised that as this was not a single dwellinghouse, planning permission would be required and that a retrospective application to retain the windows would not be supported. Nevertheless, a retrospective application was submitted in August 2005 for the retention of the windows at number 34-36.

**KEY ISSUES**

**The Site and its Location**

The application site relates to a three storey mid-terraced building situated in a prominent position on High Street within the Leamington Spa Conservation Area. The High Street area of Leamington Spa formed part of the original historic centre of the town and forms part of the 'Old Town' area of Leamington Spa, which is designated as an environmental enhancement area and has been the subject of recent regeneration initiatives. The ground floor of the application building is used for A1 retail purposes whilst the two upper floors are in residential use with a separate access from the ground floor.

### **Details of the Development**

The proposal seeks permission for the retention of 2 no. UPVC windows at first floor and 2 no. UPVC windows at second floor fronting onto High Street.

### **Assessment**

Although the application site is not a 'listed' building identified as being of special architectural or historic interest, it does form part of the Leamington Spa Conservation Area and is not considered to be a 'modern' building. UPVC is a modern material and such materials are totally out of place in this location, appearing incongruous and discordant against the richness of detail of the traditional and recently refurbished buildings in the vicinity of the site. The materials used are crude and entirely inappropriate to the Conservation Area setting and fail to follow the principles recommended in the Council's Design Guide "Windows in Listed Buildings and Conservation Areas". The adjoining building at number 2 Court Street recently received grant aid for replacement timber windows.

The applicant has referred to other properties along High Street which also have UPVC windows. However, none of these have been granted planning permission - details have been passed to the enforcement section for investigation. Moreover, these examples only form a small proportion of the buildings on High Street, with the remainder having timber windows.

The replacement windows are considered have a serious adverse impact on the character and appearance of the Conservation Area and fail to meet the requirements of Policy (DW) ENV8.

### **RECOMMENDATION**

1. REFUSE for the following reasons:

Policy (DW) ENV8 of the Warwick District Local Plan 1995 requires that within Conservation Areas development proposals will be required to achieve a high quality of design appropriate to the special historic and architectural character of the area. Policy (DW) DAP 11 of the emerging Warwick District Local Plan 1996-2011 states that development will not be permitted to alter or extend unlisted buildings which will adversely affect the

historic integrity, character or setting of the Conservation Area.

The site of the development lies within a Conservation Area where particular care is taken for the enhancement and preservation of the character of the buildings. In the opinion of the District Planning Authority, the UPVC windows are seriously injurious to the visual amenities of the area and character of the Conservation Area by reason of the unacceptable use of UPVC, a modern material, in a Conservation Area setting where painted timber would be more appropriate. It would thereby be contrary to the provisions of Policies (DW) ENV8 of the Warwick District Local Plan 1995 and DAP10 of the emerging Warwick District Local Plan 1996-2011.

2. That authorisation be given for enforcement action requiring the replacement of UPVC windows with timber sash windows as previously in place. Compliance period 4 months.

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