

Planning Committee: 16 July 2024

Item Number: 9

Application No: [W 24 / 0412](#)

Town/Parish Council: Warwick
Case Officer: Lucy Shorthouse
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Registration Date: 25/03/24

Expiry Date: 20/05/24

10-12, 14-28, 32-45 Martinique Square, Bowling Green Street, Warwick
Replacement of existing timber framed windows and balcony doors with uPVC.
(Resubmission W/23/0363) FOR Martinique Square (Warwick) Ltd

This application is being presented to Planning Committee as 5 or more letters of support have been received, it is supported by the Town Council, and it is recommended for refusal.

The application was deferred at Planning Committee on 18 June to enable a sample of the windows to be considered.

RECOMMENDATION

It is recommended Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Replacement of existing timber framed windows and balcony doors with uPVC.

THE SITE AND ITS LOCATION

Martinique Square was redeveloped into two new blocks of flats, three townhouses and the conversion of the former Public House (The Westgate Arms) which is Grade II Listed. The application properties are residential flats, within Martinique Square. 10-12, 14-28 (Block C) sit on the south, and 32-45 (Block A) on the north side. The application buildings are not Listed, but are located within the Warwick Conservation Area and within the immediate setting of a Listed Building. The blocks also face onto Hill Close Gardens to the west, which is a Grade II* Registered Park and Garden.

RELEVANT PLANNING HISTORY

This application is an unchanged resubmission of W/23/0363 for the same proposals which was refused at planning committee in May 2023.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Supports the application and considers the benefits outweigh any potential harm to the property.

WDC Conservation: Objection - considered to result in harm to heritage asset which is not outweighed by public benefits.

Cllr Rosu: Supports the proposal on grounds of benefit to climate/energy efficiency with benefit to residents and impact of visual change considered minimal.

Public Response: 33 other responses received in support of the proposal on grounds of improved thermal insulation, improved noise reduction, reduced maintenance and costs

ASSESSMENT

Impact on Designated Heritage Assets and Conservation Area

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 205 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 208 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. This is reiterated in Local Plan Policy HE1.

Local Plan Policy HE2 notes that unlisted buildings can often contribute significantly to the special architectural or historic importance of conservation areas. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

The existing windows are timber framed double glazed units. The proposed windows are white uPVC. The use of double glazing is acceptable, and it is already in use. However, as per the 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance (SPG) produced by the Council, uPVC windows are not supported within Conservation Areas. The large concentration of plastic windows would cause unacceptable visual harm to the appearance of the building. While it is acknowledged the application buildings themselves are not historic, they are sited in a prominent position within the Warwick Urban Conservation Area and within the direct setting of a Grade II Listed building (1-9 Martinique Square).

The differences between timber and uPVC units can have a harmful effect on the character, appearance and setting of heritage assets. uPVC is obviously modern. Together with the appearance of the smooth and shiny surface of the white uPVC frames, their wide configuration, and flat white glazing strips, the uPVC units markedly contrast with the traditional thin painted frames and slender structural glazing bars.

It is considered that the alteration of these windows from timber to uPVC would have a harmful impact on the setting of the neighbouring listed building and the character and appearance of the conservation area.

The statement submitted by the agent with this application raises that there are other buildings in the area which have uPVC windows. However, it should be noted that 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 or commercial buildings. Where the Council has control over window materials, decisions should be made in accordance with national and local policies including the SPG which states that changes from timber to uPVC should be resisted within conservation areas and on buildings which are historically important such as the application site. From a conservation perspective, property owners are actively encouraged to stick with timber irrespective of whether permission is needed or not, because this better reflects the historic character of the conservation area, and advice is always to retain and repair.

The example of Westbury Court was raised within supporting documentation and on the Officers' site visit. However this was considered acceptable at Planning Committee due to the specifics of the location in question. Westbury Court has a more contemporary design and has no relationship with, nor is it located in the immediate vicinity of, a listed building or individual heritage asset (with St Nicholas' Park not being a nationally listed park or garden). Furthermore it is well set back from the road.

It is not disputed that there are examples of uPVC in the locality. However, whilst there may be examples of uPVC being agreed, each case is assessed on its own merits, and for the reasons outlined in this report, in the case of this application, the use of uPVC is not considered acceptable.

The current condition of the timber windows is said to be poor, with repair works required. However, this is not justification to use an inappropriate form of material.

The supporting statement to this application also raises that the redevelopment of the property opposite the application site (former Printworks) has installed grey framed uPVC windows. However this is a modern building and was not designed with any direct relationship to the historic building of Martinique Square. Given that there is already large amounts of uPVC in this area, this is undermining the value of the immediate area which can now be considered unsympathetic to the wider setting, further emphasising the importance of retaining the character where possible, and should not be supportive of anything that is causing further erosion of this character.

There is great emphasis from supporting statements, comments received throughout the consultation response, and the Town Council that the rationale behind the replacement appears to be greater energy efficiency, an approach which is supported in overall terms.

The supporting document with this application states that uPVC will improve the acoustic and thermal properties of homes. However, whilst it is not disputed that the installation of new window units would improve performance, the choice of uPVC as the frame material is not considered to dictate this but rather, any improvement would be achieved through the increase in overall glazing thickness and a well fitted unit. Timber has low thermal conductivity and is therefore naturally a great insulating material, which is considered to provide better performance than uPVC. Timber is also considered a good acoustic insulator and has proven to be better than uPVC and aluminium at blocking out sound. Timber is also a sustainable choice, and considered appropriate for the Conservation Area with regard to the visual impact to the wider heritage asset but also the setting of the neighbouring listed building.

Aside from the framing material, what is most likely to effect the above factors, is the type of glazing. The glazing specification, which is 24mm and therefore the double the existing thickness, would improve thermal and acoustic efficiency. Whilst 12mm is usually specified for reduced visual impact, following conversations between the Conservation Officer and the Case Officer, it is considered that 24mm glazing would be acceptable in this location. The building, whilst being contemporary, was designed in relation to the listed building and its form and features are intended to be sensitive in character both in regards to its immediate setting but also the wider Conservation Area. However, the cumulative harm of both increased glazing thickness and uPVC is considered to have a detrimental visual and environmental impact.

It can be noted that in correspondence on this case, the agent has agreed that in considering whether uPVC would out-perform the standard quality timber windows, the specifications could match each other. Officers would therefore

reiterate the above points made, that any replacement window would be an improvement, and it is not the case that uPVC is required to achieve the desired outcome of the residents for increased efficiency.

Comments made during the application have also made reference to cost. However, if it is argued that the cost of replacement with timber is twice that of uPVC, with correct maintenance, typically timber outlasts the lifespan of uPVC products by two times. So considered over a long-term time period, the replacement costs would balance. Officers accept there are maintenance costs associated with timber, but the agent has confirmed periodic maintenance is already undertaken, so is not something unreasonable above what is already being performed. The decision to replace the windows is understood to be because the timber frames are at the end of their lifespan, and it is recognised all windows have a 'shelf life' so replacement would become an inevitable requirement.

The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability. However, in this case the same public benefit can be achieved by timber-framed windows. Consequently there is no public benefit derived from using uPVC frames. Double glazed timber units would offer the same energy efficiency, and timber is a sustainable material that can be repaired, unlike uPVC which requires complete replacement.

When conducting a site visit, Officers were shown a sample of the proposed window with alternative profile options. The sample did not overcome Officer's concerns.

The harm to heritage assets would be categorised as "less than substantial" for the purposes of paragraph 208 of the NPPF. There are no public benefits to outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, HE2 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance.

In addition, Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered that the proposals comply with this policy.

Impact of the proposal on amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site.

All windows and doors are replacing those that are existing, and no new openings are being proposed. The replacement windows therefore have no harm or additional impact on amenity, and the proposals are considered to comply with Local Plan Policy BE3.

CONCLUSION

The proposals would result in unacceptable harm to the Conservation Area and the setting of a Listed Building, and are contrary to Local Plan Policies HE1, HE2,

BE1 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance. This harm is not considered to be outweighed by public benefits. It is therefore recommended that 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. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the proposed uPVC windows would result in less than substantial harm to the significance of the conservation area and the setting of a Listed Building. There are no public benefits which outweigh this harm.

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