

Planning Committee: 05 April 2006

Item Number: 19

Application No: W 06 / 0266

Registration Date: 20/02/06

Town/Parish Council: Leamington Spa

Expiry Date: 17/04/06

Case Officer: Joanne Fitzsimons

01926 456534 planning_east@warwickdc.gov.uk

37 St. Mary's Road, Leamington Spa, CV31 1JP

Installation of UPVC Windows, front elevation (Retrospective Application)
FOR P Nijjar

This application is being presented to Committee due to an objection from the Town Council having been received, and; a request to authorise enforcement action be taken.

SUMMARY OF REPRESENTATIONS

Town Council: objection - The installation of UPVC windows was considered totally inappropriate for a property within the Conservation area.

Inland Waterways: No objection.

British Waterways: No objection.

1 Letter from Mr. James Plaskitt MP in support of the application setting out Mr. Nijjar's concerns and concluding that he hopes it will be possible to grant Mr. Nijjar retrospective planning permission.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (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)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

An application for the conversion of the basement and insertion of lightwells was refused (ref: W05/1918) on the grounds that *"it would disrupt the rhythm of the streetscene and would be out of character with the present appearance of the property thereby resulting in an unacceptable degree of harm to the overall character and appearance of the property itself and the streetscene of which it forms part and the wider Conservation Area."*

KEY ISSUES

The Site and its Location

The site relates to the right hand side of a pair of semi-detached properties within the Conservation Area and is utilised as House in Multiple Occupation (HIMO). It is located on the eastern side of the road as it ascends over the canal bridge.

Details of the Development

The proposal seeks to retain the plastic uPVC windows which have been installed in the front elevation of the property. Retrospective planning permission is required as the property is not occupied as a single dwellinghouse and therefore does not enjoy permitted development rights .

Assessment

Although the application site is not a listed building identified as being of special architectural or historic interest, it is an attractive 19th Century property located in the Leamington Spa Conservation Area. Plastic uPVC is a modern material and I consider its appearance at variance with and unsympathetic to the predominant character of the area, where the majority of the properties retain their traditional timber windows.

The applicant has referred to other properties along St. Mary's Road which also have uPVC windows.; however, these are a minority to which there is no record of planning permission. It is likely that these properties are single dwellinghouses which means that there is no planning control for alterations to the window materials on those properties.

Within the reason for the previous refusal relating to this property (ref:W05/1928), the alterations to the windows was considered, and as such stated that :

"Whilst noting the UPVC windows in this property, it is noted that there is no record of planning permission being sought for these windows and it is considered that the use of this modern material is not appropriate in the Conservation Area."

In this assessment therefore, I am of the opinion that a refusal is appropriate as granting permission for use of uPVC where changes to windows can be controlled under planning legislation will serve to progressively erode the character of this part of the Conservation Area and furthermore would be an inappropriate precedent generally within the Conservation Area.

RECOMMENDATION

- (1) REFUSE, for the refusal reason listed below, and;
(2) AUTHORISE enforcement action for the removal of the front uPVC windows and their replacement with traditional timber sliding sash windows within 6 calendar months from the date of decision.

REASONS

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.
