

**Planning Committee:** 23 May 2023

**Item Number:** 11

**Application No:** [W 23 / 0363](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Lucy Shorthouse

**Registration Date:** 13/03/23  
**Expiry Date:** 08/05/23

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

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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.

### **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 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.

### **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.

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

**Public Response:** 6 responses received in support of the proposal on grounds of improved thermal insulation, improved noise reduction, reduced maintenance with limited visual impact.

## **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 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. 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 in a 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 for the street facing elevations, and the internal facing elevations which are still visible from the street, would have a harmful impact on the setting of the neighbouring listed building and the character and appearance of the conservation area.

When considering windows to less sensitive elevations, in this instance in the North and West facing elevation of Block A nos. 32-45, and the East and West facing elevations of Block C nos. 10-28, the LPA can be more accommodating and would look to support the proposals on these elevations. That is due to the fact the visual impact from these elevations on the conservation area can be assessed as neutral, but on the other elevations, the impact on the conservation area is considered to be harmful. Since the applicant has sought to proceed with proposals that replace windows on all elevations, the application has therefore been recommended for refusal.

The statement submitted by the agent with this application raises that there are other dwellings 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 areas and on buildings which are historically important such as the application site.

The Council's Conservation Officer states that 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 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 there is a property opposite the application site with double glazed units, 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 introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this case, Officers consider that the public benefit does not outweigh the harm to the conservation area. 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.

It is accepted that improved thermal efficiency would result in a lower carbon footprint for the building which could be considered to be a public benefit. However, it has not been demonstrated that the same public benefit could not be accrued with double glazed timber units without resulting in the harm identified. The weight to be attached to this public benefit is therefore very limited.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, the public benefits do not 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 Document.

In addition, Policy BE1 states development must reflect, respect, and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered 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 Document. This harm is considered to be outweighed by public benefits. It is therefore recommended that planning permission is refused.

## **REFUSAL REASON**

- 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. However, there are considered to no public benefits which outweigh this harm.

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

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