

F/YR18/0489/F

**Applicant: Mr & Mrs Faulkner**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**1 Exchange Square, Wisbech, Cambridgeshire, PE13 1RA**

**Retention of 7no first floor windows (retrospective); replacement of 2no first floor windows to uPVC and installation of guard railings to ground and first floor windows**

**Reason for Committee: (i) Called in by Cllr Oliver to ensure consistency of decisions (noting there are other uPVC windows within the conservation area), recognising public support and the need to ensure the welfare of the residents; noting that the windows are high quality and had been installed for some time without concern. Also indicate support for the protective grilles to the windows due to antisocial behaviour.(ii) due to the level of support received for the scheme and the recommendation of the Town Council being at variance to the officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

This submission seeks full planning permission to retain 7 no. uPVC windows, install a further two uPVC windows and install guard railings to the ground and first floor windows of a building of Local Importance situated within the Wisbech Conservation Area.

There are a range of long established safeguards expressed through conservation and planning policy which seek to ensure that the essential qualities of heritage assets are safeguarded. The use of uPVC is unacceptable in conservation and heritage terms and it is considered that it results in the erosion of the building's character through the manner the window design has translated to a UPVC window

The window guard railings are considered a positive solution in design terms to address issues of antisocial behaviour it is not possible to grant consent in part and as such the scheme must be refused in its entirety.

Consideration has been given to the representations made by the applicant and interested parties however there is no flexibility to make allowances in terms of planning policy on the basis of the applicant being misinformed as to the need for consent and that hardship may accrue should consent not be forthcoming

The case put forward regarding residential amenity and community safety has been given appropriate weight however the use of uPVC per se does not in itself address these issues. It is contended that similar results would be achieved with timber windows fitted with double glazed units, and such windows could be delivered without adverse heritage impacts to this Building of Local Importance situated within the Conservation Area.

Furthermore the LPA response to this application will set the scene for the determination of similar applications in the future; to allow inappropriate materials will it is considered publically undermine the established planning policy and conservation

strategy for Wisbech.
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**2 SITE DESCRIPTION**

- 2.1 1 Exchange Square, Wisbech is located within the Wisbech Conservation Area and occupies a prominent position on the corner of Exchange Square and Chapel Road. It is a mid-late 19<sup>th</sup> century building with a multifaceted façade. Its east elevation fronts Exchange Square, which is an open element of the street scene and its north elevation faces Chapel Lane. The building has been designed with a chamfered north-east corner which draws the eye and stands out in views looking west down from the Old Market. The building is seen from multiple angles.
- 2.1 The building is unlisted but it is identified as a building of Local Importance within the Wisbech Conservation Area Appraisal (March 2016) and accordingly is a non-designated heritage asset.

**3 PROPOSAL**

- 3.1 The proposal comprises two distinct elements the first being the retention of seven uPVC windows at first floor and the replacement of two further first floor windows, again with a uPVC product and the second element being the installation of guard railings to the ground and first floor windows.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=P8RSJGH E01U00&activeTab=summary>

**4 SITE PLANNING HISTORY**

F/YR13/0291/F	Change of use of restaurant and 3-bed flat to 1 x 1-bed and 3 x 2-bed flats	Granted 27/06/2013
F/YR12/0110/F	Erection of a single-storey side extension and 2.2 metre high steel fence and gates to existing restaurant	Application Withdrawn
F/YR08/1093/F	Erection of single-storey rear extension to existing building involving demolition of existing store	Granted 19/02/2009

**5 CONSULTATIONS**

**5.1 Town Council**

*Recommend that the application be supported*

**5.2 Designing Out Crime Officers**

*Thank you for the opportunity to comment on the above Full Application in regards to impact on community safety and vulnerability to crime and disorder.*

*I can confirm that I have visited the above business premises as part of my action plan with the Constabulary Licensing Officer to reduce the level of alcohol fuelled violence in this area of Wisbech. The above business premises have had a high number of incidents of criminal damage in regards to smashed ground floor*

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*windows and damage to the window frames, repairs have been costly and had to be repeated due to the number of incidents. Crime prevention advice has been given to the business and having viewed this Application I am supportive of the installation of guard railings to ground and first floor windows.*

*I consider that their design is not only in keeping with the buildings appearance but will also hugely improve the current security of the whole premises.*

*Should the Applicant require more security advice I have passed on my contact details.*

### **5.3 FDC Conservation Officer**

The Conservation Section cannot support the retention of the UPVC windows installed in this historic building, a Building of Local Importance/non-designated heritage asset within the Wisbech Conservation Area. In the context of the Wisbech Conservation Area the UPVC fails to preserve or enhance the character and appearance of the conservation and is therefore contrary to S72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy LP18 Local Plan (2014). No objection is raised to the installation of the proposed guard rails.

### **5.4 Senior Archaeologist (CCC)**

*The sash windows which had already been replaced by 2015 appeared to be in good repair in photographs of the exterior taken in July 2014, therefore point 3 in favour of retention of the UPVC replacements ('enhancement') on p3 of the 'Design, Heritage and Supporting Statement' document, suggesting that they have improved the external appearance of this locally listed building, is a spurious claim. However notwithstanding the lamentable loss of the original timber windows, we have no objections or requirements for this development.*

### **5.5 North Level Internal Drainage Board**

*North Level District I.D.B. have no comment to make with regard to this application.*

### **5.6 Local Residents/Interested Parties:** 8 letters of support were submitted with the application these may be summarised as follows:

- Retreat Hairdressing brings life and customers to this part of Wisbech
- Owners have brought this unloved building back to life and vastly improved the building
- Would hate to see ground floor windows continually boarded up
- Has experience of antisocial behaviour in area and sympathise with owners
- Their own business has suffered 4 broken windows within a year
- Consider upper floor windows improve the building in a tired looking area
- Upper floor windows inoffensive, old windows were tired and depressing, they are sash windows in keeping with the look of the building
- Sympathise with owners
- Have no problem with the retention of the 1<sup>st</sup> floor windows
- If they are protecting the family against noise and the behaviour outside surely they are improving living conditions
- Aware of antisocial behaviour in the area; note how difficult it is to police from the ASB
- Worried about the impact the currently boarded up windows have on area in terms of passing trade

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- There are other breaches of planning control within the town, everyone should be treated in the same manner
- If you can permit the eyesore in the High street to be built cannot see problem with energy efficient windows in this salon
- Investment has already been made by fitting the original windows

In addition to the above a 588 signature petition has been submitted, those signing indicate their support for the owners right to keep the plastic windows

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Paragraph 11 – Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 131 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability

Paragraph 132 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight

Paragraph 133 – where a proposed development will lead to substantial harm to or total loss of the significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Paragraph 134 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

## **8 KEY ISSUES**

- 8.1 The National Planning Policy Framework attaches great importance to the design of the built environment, and paragraph 9 of the NPPF outlines that pursuing

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sustainable development involves seeking positive improvements in the quality of the built environment. The 'Core Planning' principle of 'always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' is outlined in paragraph 17 of the NPPF.

8.2 Policy LP16 of the Fenland Local Plan 2014 seek to ensure that when considering proposals for new development, issues including the scale, style, character, appearance and amenity are taken into consideration. LP18 seeks to protect and enhance Fenland's heritage assets and runs in parallel to LP16. Community safety is addressed under Policy LP17.

8.3 Given the above policy framework the following key issues are identified as relevant to the consideration of the proposal:

- Background
- Principle of Development
- Heritage Context
- Heritage assessment – Windows retention and replacement
- Heritage assessment – Guard rails
- The justification for retention
- Planning Balance

## **9 BACKGROUND**

9.1 In January 2018 pre-application advice was sought regarding the replacement of ground floor windows with uPVC, arising from this enquiry it became apparent that some first floor windows had been changed from timber sash windows to uPVC and that this work had been undertaken without planning permission.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Planning permission is required to make alterations, including the replacement of windows, where works materially affect the external appearance of a building. Notwithstanding this there is also an Article 4 (2) Direction in place for the Wisbech Conservation Area which restricts permitted development rights, and this includes the replacement of windows.

10.2 One of the clear policy aims of the Fenland Local Plan is to protect, conserve and seek opportunities to enhance the historic environment having due regard to the significance of the asset; this being firmly underpinned by national planning policy. Whilst weight may be given to other material considerations there is a clear steer with regard to heritage matters that the overriding aim should be to resist inappropriate development which causes harm to heritage assets unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (Para 133 of the NPPF refers).

10.3 In parallel to the above the FLP does identify the need to create safe environments to prevent crime (Policy LP17) and in addition the need to facilitate the health and well-being of its residents by supporting proposals which help to reduce crime, the fear of crime and anti-social behaviour.

### Heritage Context

- 10.4 The conservation area in Wisbech was first designated on 26<sup>th</sup> March 1971, with boundary amendments in 1980 and again in 2008. It was the first conservation area to be designated in the district and 227 listed buildings; representing over 1/3 of Fenland's total number of listed buildings; There are also a further 31 buildings within the conservation area that are recognized as being of local importance given that they hold a local heritage interest and make a contribution to the character and appearance of the town. 1 Exchange Square, once the Wisbech Arms Public House, was first recognized as a Building of Local Importance in 1995.
- 10.5 With a high density of listed buildings much of the Wisbech Conservation Area is legally protected from uncontrolled alterations, including the replacement of windows. Furthermore where businesses or flats are concerned Planning Permission is required for replacement windows. There is also an Article 4 (2) direction in place, applying to dwelling houses, that restricts permitted development rights including the replacement of windows. Therefore in planning terms all changes to windows within the Wisbech Conservation Area are controlled. This is not the situation within the other market towns of Chatteris, Whittlesey and March and their conservation areas or the 5 other village conservation areas. Wisbech's high heritage value and the ability to comprehensively protect it through planning controls has enabled proposals for UPVC windows within its Conservation Area to be largely resisted.
- 10.6 Fenland District Council has not however relied on control measures to preserve and enhance the Conservation Area and in recent years a number of initiatives have been instigated which seek to preserve and enhance the built heritage of the town and the character and appearance of the Conservation Area. In 2013 the Wisbech 2020 Vision was launched which is a collaborative initiative seeking to improve Wisbech as a place to live, work and visit. The "Vision" has evolved over time and its aims and objectives are now recognized in the 2017 Wisbech 2020 Vision document. The documents references Wisbech's rich heritage and under Theme 3 of its strategy it states that an action is to ensure "Wisbech's wealth of important historic architecture is protected, conserved and enhanced".
- 10.7 Alongside the Wisbech 2020 Vision in 2017 a Heritage Lottery Townscape Heritage Scheme secured £1.9 million to enhance the High Street, and address a number of derelict sites and dilapidated buildings on this street. In connection with the bid for Heritage Lottery Funding a new Wisbech Conservation Area Appraisal (March 2016) and Wisbech Conservation Area Management Plan (March 2016) was prepared and adopted by FDC. The issue of unauthorized UPVC windows is an issue raised in the management plan as it threatens the character and appearance of the conservation area and is covered under Priority Objective 5. In 2014 Wisbech Conservation Area was added to Historic England's Heritage at Risk register as certain threats were eroding the special architectural and historic interests of the conservation area. The management plan was intended to address those issues with a view that once priority objectives are met it will no longer be at risk.
- 10.8 In parallel to the Wisbech 2020 Vision and Heritage Lottery Townscape Heritage Scheme the Town Council is developing a scheme for the enhancement of the Wisbech Market Place in consultation with community stakeholders.

**Heritage assessment – Windows retention and replacement**

- 10.8 No 1 Exchange Square makes a positive contribution to the character and appearance of the Wisbech Conservation Area. It is a mid-late 19<sup>th</sup> century building which sits prominently on the corner of Exchange Square and Chapel Road and affords a multifaceted façade as a result of this positioning, visible from a range of viewpoints it presents an atypical mid-late 19<sup>th</sup> century architectural style for the area which adds to its interest. The historic interest of the building as a non-designated heritage asset is a material consideration in planning decisions. There is a presumption to respect the historic interests of the building and this extends to the selecting appropriate materials. In this case timber replacement windows would be seen as the most sympathetic window type for this building.
- 10.9 The windows that have been installed in the 1<sup>st</sup> floor of 1 Exchange Square are double glazed UPVC windows with a white smooth finish and it is clearly evident that replacement windows have been installed. It is acknowledged that the windows are of a similar style to the original timber windows as they incorporate a margin light arrangement of glazing bars in profiled glazing bars and incorporate horn detail. However they do not exactly replicate the original historic windows as the margin lights are much narrower and less pronounced than the original timber windows this results in an erosion of the building's character. The FDC Conservation Officer acknowledges that the UPVC windows selected are of reasonable quality however they also note that they are not the highest quality of UPVC window product on the market; that being considered to be the foil finish/wood grained UPVC windows which have a timber aesthetic. The formal comments of the FDC Conservation Officer go on to state that *'the existing 1<sup>st</sup> floor UPVC windows do present a UPVC aesthetic to them and it is clear that UPVC windows have been installed in this Building of Local Importance in the Wisbech Conservation Area. It is felt the presence of UPVC windows in this building does play its part in eroding the strong historic qualities of the Wisbech Conservation Area which is in part derived from the strong historic qualities and traditional building detailing predominant across the whole conservation area'*. Although it is accepted that the building overall has been tidied up by the current owners it is contended that a similar effect could have been achieved through the installation of timber windows.
- 10.10 The applicant has cited as a material consideration a number of cases within Wisbech Conservation Area where UPVC windows can be found. Of the specific cases highlighted it is noted that the windows identified have been installed without Planning Permission and are/were unauthorized. Whilst it is acknowledged that there is evidence of UPVC windows within the Wisbech Conservation Area such windows exist in the minority and traditional timber windows remain an overriding feature of the character and appearance of the conservation area.
- 10.11 There is a duty in law to preserve or enhance the character and appearance of the Wisbech Conservation Area and it is important to be seen to secure the appropriate window materials for this area through the planning process. Where the LPA has accepted uPVC (15 Albion Place and 17 Norfolk Street) these have been high quality foil finish/wood grain UPVC window as opposed to the smooth white finish uPVC evident at 1 Exchange Square. In terms of consistency it should be noted that whilst high grade foil finish wood grain may in certain

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circumstances be accepted within the conservation area per se it is not appropriate with regard to listed buildings or buildings which have been identified as being of local importance.

- 10.12 Within the submission it is noted that had the applicant been aware that the building was within the conservation area and identified as being of local importance they would have 'followed the necessary procured routes, and material of product would have been considered promptly'. Within the Design, Heritage and Supporting Statement it is cited that the applicant has "sought after options to replace the UPVC windows for timber" but that "the cost of replacing all these windows is prohibitive and will cause the existing hairdressing business to close down rendering the building empty". No financial information has however been provided with the application to indicate how much replacing the windows with appropriate timber windows would actually cost. It is also worth noting that should this course of action be required through the Enforcement process the Enforcement Team have already indicated that they would allow a generous amount of time over at least three years to alleviate any financial hardship to the business and occupants of the flat. It is felt the hairdressers' affords a good use for this building and it is not the intent to see it face unreasonable hardship.

### Heritage assessment – Guard rails

- 10.13 Guard rails are proposed at ground floor level with shorter rails at first floor. The purpose of these, particularly at ground floor, is to protect the windows from damage as a result of anti-social behavior. The scheme is supported by the Designing Out Crime Officer as it is considered that the guard rails will improve the security situation of the whole building.
- 10.14 There is a demonstrated need to improve security at the building amid high instances of criminal damage particularly smashed windows and against this backdrop no objection is raised to the installation of the proposed guard rails. The FDC Conservation Officer considers that *the guard rail detailing can be achieved in a manner which adds interest and compliments this atypical mid-late Victorian building.*

### The justification for retention

- 10.15 The agent acting on behalf of the applicants notes that the windows were installed to offer a noise and physical barrier to any anti-social behaviour to the residential flat and that the owners were unaware that the building was located within the conservation area or was locally listed. They further contend that the windows have enhanced the conservation area; updating and tidying the external appearance of the locally listed building. In addition they contend that the new style of window respects the originality of the locally listed building. It is also highlighted that the business will face hardship should they have to replace the uPVC windows with timber replacements.

### Planning Balance

- 10.16 It is clear that there is a ground swell of local support for the applicants and it is not disputed that they have acted in good faith, albeit they appear to have been ill advised by the contractor responsible for installing the windows. However the applicant's naivety of the need to obtain planning consent should not be the



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determining factor in this case. To adopt a different approach to determining the scheme because the works have been undertaken may send out a message that such action in other instances will circumvent the normal planning/heritage expectations in terms of what is and what is not acceptable. Similarly the development team have been consistent in the advice offered to others who own/are custodians of heritage assets within Wisbech and to take a different stance purely on the basis of hardship without a suitably robust policy basis for the decision taken would undermine the policy framework, the integrity of the Conservation Area and the reputation of the council in terms of an equitable application of policy.

- 10.17 Even when considering the case put forward regarding noise and disturbance the weight that may be given to this aspect is reduced by the clear and concise argument put forward to rebut the assertion made. In that it is not the uPVC that secures noise attenuation it is the double glazing which sits within the uPVC units. It is contended that similar acoustic benefit could be achieved with timber frames.
- 10.18 There is a clear planning argument for the low level window guards and it is accepted that this is a well thought out and considered security scheme which will not detract from the amenity of the premises and as such is in compliance with the relevant planning policies.
- 10.19 The Wisbech Conservation Management Plan (March 2016) raises the issue of unauthorized UPVC windows and highlights that these threaten the character and appearance of the conservation area; as such they are identified under Priority Objective 5. In recognizing the impact that such windows can have it is clear that any decision taken should accord with the adopted policies of the Council and with the agreed direction of travel outlined in the Wisbech Conservation Area Management Plan.

## **11 CONCLUSIONS**

- 11.1 Whilst there is some sympathy for the applicants with regard to the situation they find themselves in there is no flexibility when assessing the scheme as presented. To take any other approach other than that ascribed by policy and promoted by the adopted Conservation management documents for Wisbech would set an undesirable precedent which would set the scene for the determination of all future window applications of this type.
- 11.2 Whilst there is no objection to the metal window guards which also form part of this application there is no mechanism to grant consent 'in part'; accordingly the recommendation must be to refuse the scheme in its entirety. Given the retrospective nature of the submission it will be necessary to formally instigate compliance action to secure the removal of the uPVC windows and their replacement with suitable timber windows.

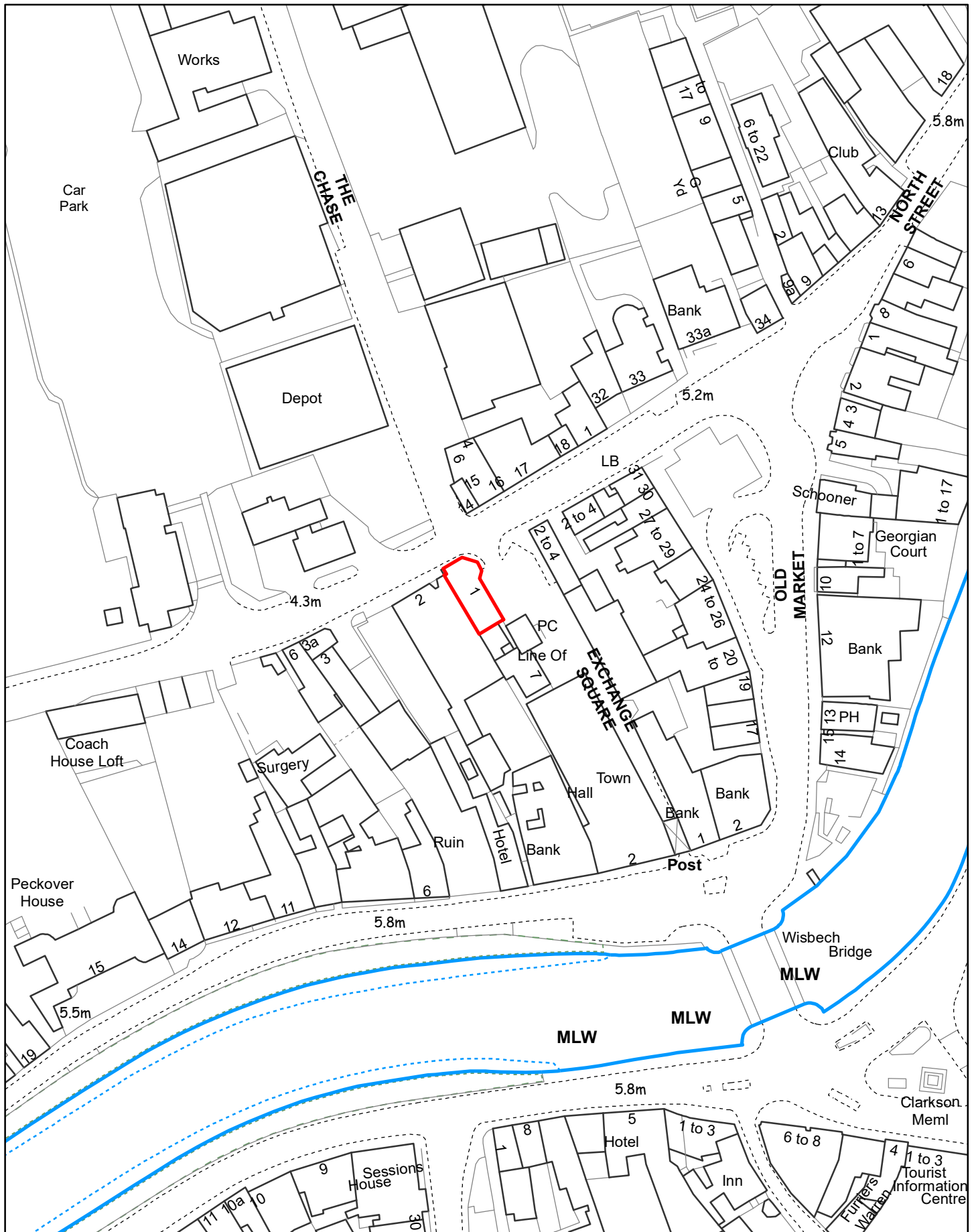
## **12 RECOMMENDATION**

### **Refuse**

The proposal is contrary to Policy LP18 of the Fenland Local Plan in that it results in development which fails to protect, conserve or enhance the character of the

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Wisbech Conservation Area and a building identified as being of Local Importance. The replacement windows represent an erosion of the building's character through the manner the window design has translated to a UPVC window. The introduction of an inferior quality material it is clearly contrary to local and national planning policy and has a significantly detrimental impact on both the Building of Local Interest and the wider Wisbech Conservation Area. Furthermore the scheme undermines the heritage aspirations and priorities contained within the Wisbech Conservation Management Plan (March 2016).



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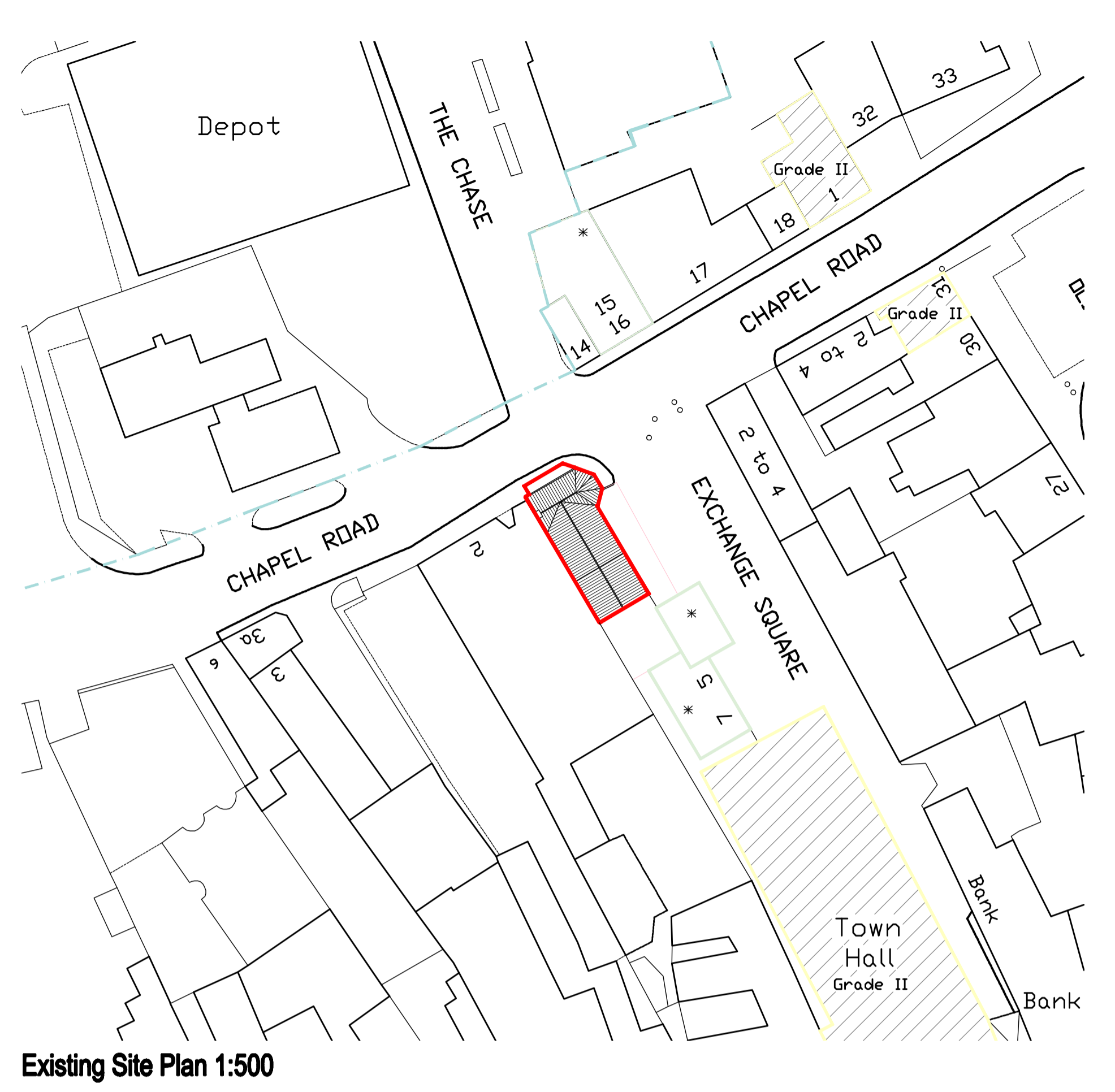
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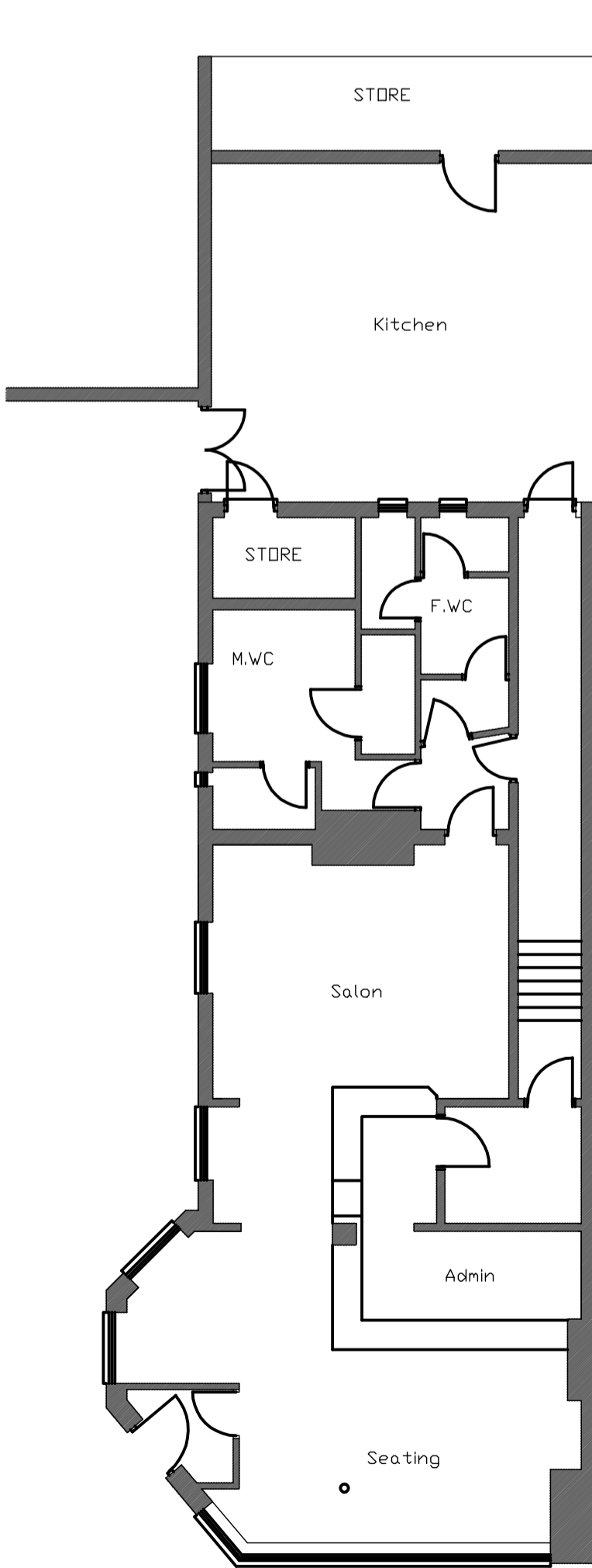
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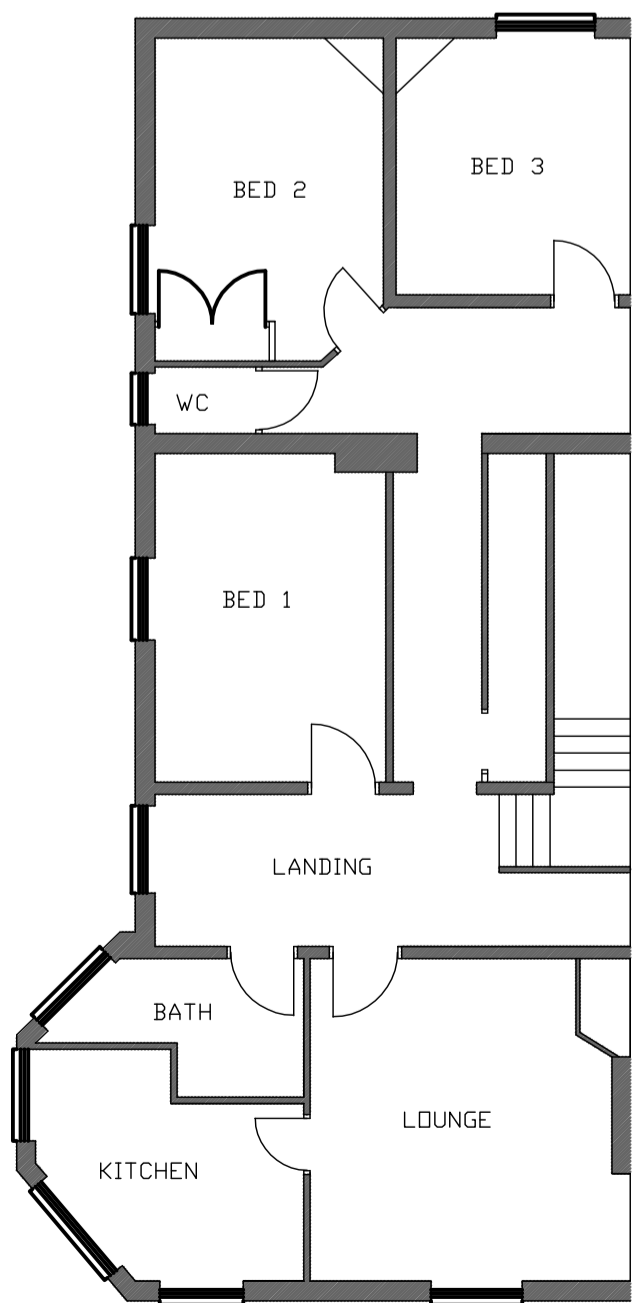
Existing Site Plan 1:500



Proposed Front Elevation 1:50

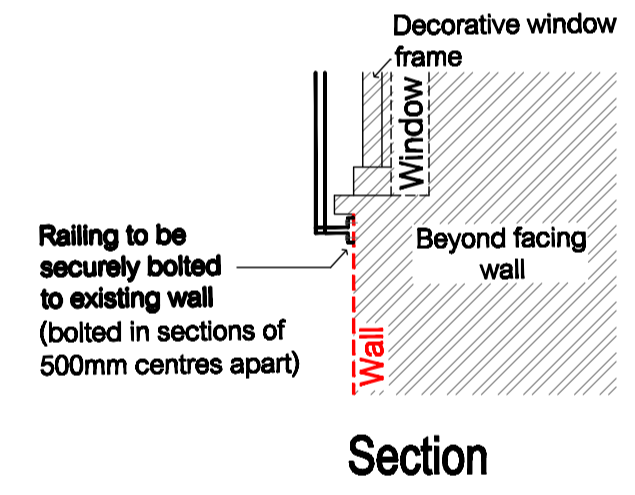


Proposed Ground Plan 1:100

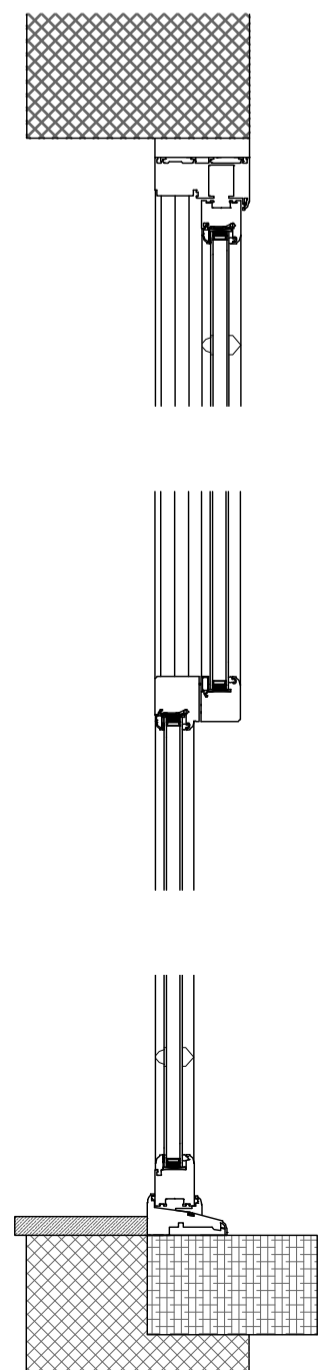
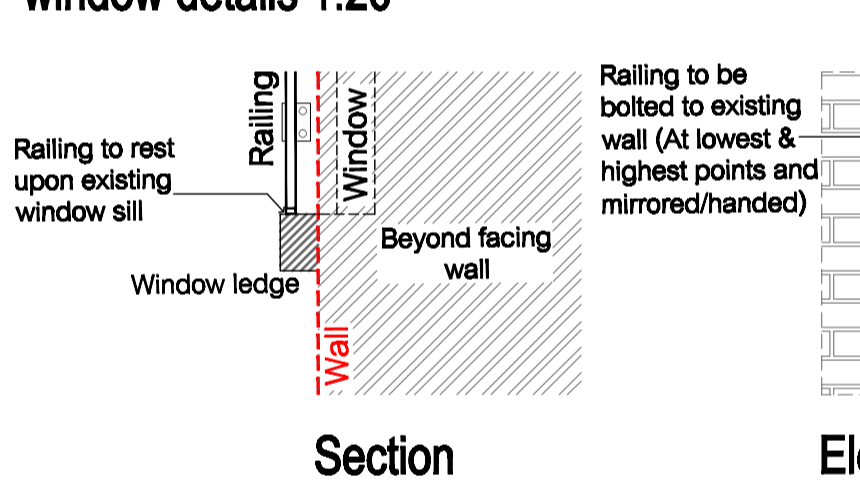


Proposed First Plan 1:100

Railing - Bay window details 1:20



Railing - Ground, First Floor and central bay window details 1:20



Window detail 1:10

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Retention of windows and proposed windows and railings

SITE  
The Retreat Hairdressing  
1 Exchange Square  
Wisbech  
PE13 1RA

DRAWING  
Proposed

CLIENT  
Mr P Faulkner

DATE May 2018 SCALE As Shown at A1 JOB No. 5837/02A

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