

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/02/2023	Ref: 69049/FUL
Registration: 20/12/2022	LDFC: 26/01/2023	Expiry Date: 14/02/2023
Site Visit: 25/01/2023	Site Notice: 10/01/2023	Press Date: 12/01/2023
Objections: 0	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Replacement of existing windows - 12 no. front, 3 no. side and 7 no. rear of property

Location: 14 Prestwich Park Road South, Prestwich, Manchester, M25 9PE

Description

This application seeks permission to replace windows to the front, side and rear elevations- 12 no. on the front, 3 no. on the side and 7 no. on the rear of the semi-detached red brick house which dates from the late 1890s. The house is within the Prestwich St. Marys Conservation Area where a Direction under Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 is in force, removing householder permitted development rights which includes the replacement of windows.

The replacement windows would be of a similar design to the existing wooden casement windows but would be Upvc. Details of how the windows would be set into reveals and dimensions of the frames have been submitted and indicated a 70mm frame with a sash width of 75mm. Sash and transom would measure 112mm.

The windows are required to replace the existing energy inefficient and unsafe windows. The majority of existing windows are single glazed and the others are old double-glazed units with low thermal performance (small gaps between panes and no argon). The replacement windows will considerably increase thermal insulation and reduce the energy use in the property thereby reducing the carbon impact. There are no toughened panes in the existing windows where current regulations require. The second-floor windows are unsafe due to rotting frames. The replacement windows would ensure building regulations for safety are met.

The 2009 Conservation Area Management Plan lists numbers 14 to 42 (even) Prestwich Park Road South as significant buildings that make a positive contribution to the character of the conservation area. The buildings are also included in the current draft list of non-designated heritage assets - The Draft Local List. The description in the local list is as follows:

"A group of up to 4 storey Victorian semi-detached dwellings with black and white timber jettied square bays at second floor above splayed 5 sided projecting brick bay windows. Tall windows with corbels to sills. Stone heads. Long timber shared ornamental canopies to doorways. Some in-filled. Steps to ground floor. Projecting eaves with dentils and brackets. Number 18 and 20 with full height bays located centrally. Projecting full height chimney stacks at gable, some with decoration and date stones. Stone capped brick boundary walls and gate posts. Mix of windows some additional dormers".

Relevant Planning History

Appeal decision on application 61683 relating to proposal to retain replacement windows at No.20 Prestwich Park Road South - appeal allowed 12/02/2018.

Publicity

Immediate neighbours notified by letter dated 05/01/2023. Site notice posted 10/01/2023 and press notice 12/01/2023. No objections received. Neighbour at No.12 supports the proposal - These (windows) are of an excellent design that are in keeping with the street and conservation area as a whole. They also help reduce carbon footprint. We would very much support this application made by such thoughtful and ethical neighbours.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to details of windows to be provided.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the

wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Need - It is evident that the existing windows need replacing to improve energy efficiency and safety. Ideally the windows would be replaced 'like for like' but the proposal here is to replace with a similar window design but in Upvc rather than timber. The issue is whether the Upvc would detract significantly from the heritage value of the conservation area. This is addressed below.

St. Marys Conservation Area - Prestwich - The main issue within the assessment of this application is whether the replacement windows would preserve or enhance the special architectural and heritage character of the Prestwich St.Marys Conservation Area.

An article 4 Direction was approved by the Council in 2009 in order to better manage changes within the conservation area, including the alteration of window frames. Windows, their proportions, and window frames are key features in the appearance of buildings and Historic England give advice on their replacement and repair. Although generally Upvc frames should be resisted within historic buildings, some examples of Upvc slimline frames can be acceptable. It is noted that an application to retain Upvc windows as replacements for original windows at No.20 Prestwich Park Road South was allowed under appeal in 2018. In the inspector's report he states '.....due the varied window framing and glazing profiles along the street, including more visually prominent standard uPVC units, the installed windows do not read as incongruous elements in a generally more harmonious pattern. Moreover, the depth of their reveals and the matte finish of their frames reduces the visual prominence of the windows in the context the host front façade, allowing its proportions, and resultant balance with its attached neighbour to remain the dominant elements of its architectural character.'

The inspector goes on to state....'Consequently, for these reasons, and mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the windows have preserved the character and appearance of the Conservation Area, and that they have not harmed the significance of their host listed building. As a result, the proposed development would not conflict with Policies EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan (adopted August 1997); or the National Planning Policy Framework insofar as they seek, amongst other things, to conserve heritage assets in a manner appropriate to their significance; to preserve the character of conservation areas; and to ensure that proposals do not have unacceptable adverse effects on character and townscape'.

It is unfortunate that over the years, significant changes to windows along the road have lead to an erosion of its character somewhat and the latest scheme to replace windows on this property could be viewed in a similar light to the previous scheme at No.20. One advantage this scheme has over the previously allowed scheme is that a suitable condition could be attached to any approval, requiring details of the windows on the more important front elevation to be submitted and agreed prior to installation.

Given the previous appeal decision in 2018 with reference to changes along the road and the fact that the house is set back from the road, with an appropriate condition, the proposed new windows would be acceptable in that they would, on balance, preserve the character and appearance of the Conservation Area, and that they would not harm its wider

historic significance. As such the proposal would comply with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Conservation Area Management Plan and adopted UDP policies EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and EN1/2 Townscape and Built Design.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings received on 04 January 2023 and supplementary information regarding window dimensions received by email on 22 February and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/02/2023	DM	24/02/23