

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	13th MAY 2014
SUBJECT:	PLANNING APPEALS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> • Decided • Lodged <p>Enforcement Appeals:</p> <ul style="list-style-type: none"> • None
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:- Copy Appeal Decisions attached

Contact Details:-

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**Planning Appeals Decided
between 14/04/2014 and 01/05/2014**



Application No.: 55878/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Nangreaves Village Management Company

Location: 51-87 Mount Pleasant, Nangreaves, Bury, BL9 6SP

Proposal: Replacement of windows, entrance doors, fascias, barge boards and rainwater goods.

Appeal Decision: Allowed

Date: 30/04/2014

Appeal type: Written Representations

Application No.: 56027/LBC

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Barry Ogden

Location: 40 Mount Pleasant, Nangreaves, Bury, BL9 6SR

Proposal: Listed building consent for replacement of all external windows, door frames and doors (resubmission)

Appeal Decision: Dismissed

Date: 30/04/2014

Appeal type: Written Representations

Copies of the Appeal Decisions are attached.



Appeal Decision

Site visit made on 11 March 2014

by Nicholas Taylor BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2014

Appeal Ref: APP/T4210/A/13/2205258

51-87 Mount Pleasant, Nangreaves, Bury, Greater Manchester BL9 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Nangreaves Village Management Company Ltd c/o Block Property Management Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 55878, dated 17 December 2012, was refused by notice dated 4 April 2013.
 - The development proposed is replacement windows entrance doors fascias barge boards and rainwater goods.
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Decision

1. The appeal is allowed and planning permission is granted for replacement windows, entrance doors, fascias, barge boards and rainwater goods at 51-87 Mount Pleasant, Nangreaves, Bury, Greater Manchester BL9 6SP in accordance with the terms of the application, Ref 55878, dated 17 December 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawings numbered 245/01, 245/02, 245/03, elevation sheets 1 – 8, Design and Access Statement and attached Schedules of Proposed Works.

Preliminary Matters

2. The proposal in this case involves UPVC replacements. A concurrent appeal¹ has been lodged concerning listed building consent for replacement UPVC windows and related works 40 Mount Pleasant. Although also within the Mount Pleasant Conservation Area, that property is a listed building. I confirm that I have determined the appeal which is the subject of this decision and the other appeal separately and on their own merits.
3. National *Planning Practice Guidance* (PPG) came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of this proposal, these changes to the guidance framework have not had a significant bearing on my overall decision.

¹ APP/T4210/E/13/2205255

Main Issues

4. The multiple appeal properties are within the conservation area and some of them adjoin or are near to listed buildings. Consequently, the main issues in this case are the effect of the proposal on the setting and, thereby, the special interest (or significance) of the listed buildings and whether the character or appearance of the conservation area would be preserved or enhanced.

Reasons

5. The appeal concerns a housing scheme which was constructed in the late 1980s, on the site of former mill buildings. It comprises predominantly two storey terraced cottages, together with two 2/3 storey small apartment blocks, built around two rear parking courts. One of the terraces fronts onto Walmersley Old Road whilst two others face a central open space. The appellant is seeking permission for replacement windows, entrance doors fascias, barge boards and rainwater goods throughout the scheme, albeit a number of the dwellings already have uPVC windows, either permitted or unauthorised, and timber windows would be retained on the front elevation of one building.
6. The housing scheme forms a significant cluster at the heart of the village, which is designated in its entirety as a conservation area. The Council's *Mount Pleasant Nangreaves Conservation Area Appraisal and Action Plan (CAA)*, published in 2004, describes the settlement as a rare and partially surviving example of a purpose built factory village which is now purely residential. The earlier housing within the village comprises terraces dating from the early to late 19th Century. All the earlier buildings are simple and functional in form and detail, constructed from local stone and all are Grade II listed. Although constructed in phases, the CAA points out that the early housing followed the rules of function and uniformity, associated with its historical origins and exposed location. The CAA emphasises that simple details incorporating traditional craftsmanship are an important part of the area's significance. The listing descriptions with which I have been provided also indicate that the significance of these buildings as designated heritage assets derives mainly from their humble, robust character as part of the factory village. Given the close proximity of some of the appeal properties, and the central position of the scheme within the conservation area, they form part of the setting of many of the listed buildings.
7. The 1980s housing scheme is constructed in stone and incorporates parts of, and materials from, the demolished mill buildings. It follows the fairly simple, robust character of the earlier buildings in both basic form and details. Whilst incorporating two and three storey buildings and having an interesting, tightly-knit layout, the basic uniformity is an important aspect of its character. This extends to windows and doors, which are generally similar, barring a number of exceptions mainly to be found in the apartment blocks. The predominant window pattern in the two storey cottages is of fairly large, plain quartered windows with a top hung upper casement, together with smaller windows with single, top hung opening lights among the first floor windows. Original frames appear as fairly plain, square or rectangular section timber, stained dark brown. In essence, therefore, the scheme's existing simple design and materials compliments the overall character and appearance of the conservation area and contributes to its significance as a designated heritage asset.

8. The local policy context is provided by Policy EN2/3 of the *Bury Unitary Development Plan* (UDP) which states, among other things, that the character and setting of listed buildings will be safeguarded. UDP Policies EN2/1 and EN2/2 seek to preserve or enhance the character or appearance of the Borough's conservation areas.
9. The *National Planning Policy Framework* (the Framework), at paragraph 132, states that when considering the impact of a proposed development on the significance, including its setting, of a designated heritage asset, great weight should be given to the asset's conservation. Sections 16(2) and 66(1) of the relevant Act² require the decision maker, in considering whether to grant listed building consent or planning permission for any works or development which affect a listed building, to 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 [my emphasis]. S72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. Before assessing the proposals against local and national policy and the statutory duty, it is important, in this case, to set out some of the background. The CAA clearly states that UPVC windows and doors are inappropriate within the conservation area. However, in January 2011, an Inspector allowed, on appeal³, the replacement, with dark Rosewood coloured UPVC of the same design, of front and rear windows at 86 Mount Pleasant, one of the properties within the current appeal. In that case, the Inspector found that the replacement windows were of an appropriately simple design and that their detail, construction and finish were acceptable. As such, they did not represent a poor or weak copy of the timber windows to be replaced, nor disrupt the uniform appearance of the terrace. The difference between the uPVC and timber windows would not be immediately apparent to passers-by. He concluded that the character or architectural quality of the building would not be adversely affected and the character and appearance of the conservation area would be preserved.
11. Acknowledging that the Council had consistently resisted the use of UPVC and was concerned about cumulative effects, the Inspector advised that his decision would not materially add to any existing cumulative effects or set a precedent for replacement windows which would fail to preserve or enhance the character or appearance of the conservation area. Nor, he stated, would his decision prevent the Council resisting uPVC windows which would have a harmful effect.
12. In the light of that decision, in March 2011, the Council approved a report, which was subject to local public consultation, setting out its policy on UPVC windows in the conservation area. This accepted the use of brown UPVC frames in the (unlisted) appeal properties, where the detail and finish of the frames would be a good match for the original timber frames.
13. Since the Council's policy change, it has approved replacement UPVC window frames at the apartment block, Nos. 57 – 62, and at No. 78. In addition, I saw from my site visit that a significant number of cottages fronting Walmersley Old Road and some facing the open space have UPVC windows. The Council says

² Planning (Listed Buildings and Conservation Areas) Act 1990

³ APP/T4210/A/10/2137005

that not all existing use of UPVC is authorised. Nevertheless, the current position is that a significant number of windows on both front and rear elevations of a number of dwellings among the appeal scheme have UPVC windows. Moreover, the Council's policy is now more permissive of UPVC windows in the unlisted dwellings, provided they are of sufficiently good quality. In its evidence to the current appeal, the Council acknowledges that it could consider UPVC frames in less visible areas, largely away from public view, such as the rear elevations of dwellings facing the parking courts. The previous appeal decision and the Council's current informal policy are significant material considerations, indicating that it might be difficult to resist replacement UPVC windows in individual appeal properties, provided that they were not, individually and on their merits, harmful.

14. I accept that even high quality UPVC windows are likely to fail to replicate precisely the design, texture and patina of timber and in many situations affecting the setting of listed buildings or within conservation areas, they are unlikely to be acceptable. However, in this case, the appellant proposes to replicate almost exactly the style and dimensions of the existing, simple, modern timber windows. The proposed windows would be very similar to those found acceptable at No. 86. At my site visit, I observed that the type of window installed at No. 86, and replicated in other cottages, differed only in subtle details from the modern timber windows. The mid-horizontal frame appeared slightly thicker, creating a slightly heavier shadow line, the frames of opening lights had chamfered rather than square profiles and lacked simple beading found on the timber frames. The whole frame sat on a shallow bottom cill, rather than directly onto the stone. I agree with the previous Inspector that, on the evidence of approved windows at No. 86 and other similar windows, these detailed differences in frame dimensions and rosewood finish are not unduly apparent compared with well maintained timber frames, when viewed from a normal distance.
15. As with the previous Inspector, I am satisfied that, individually, No. 86 and similar examples do not unduly disrupt the uniform appearance of the terraces. Nevertheless, if part of the ethos of the scheme's original design was to reflect the uniformity of the village's older terraces, it must follow that there would be merit in the comprehensive approach proposed in the current appeal. Such an approach, which takes account of the different window types where they exist, and allows for implementation by individual occupiers, would make it more likely that a degree of uniformity would ultimately be retained. I consider that, in this particular case, retention of uniformity would outweigh concerns about the cumulative effect of the proposed alterations.
16. I have considered whether it would be acceptable to allow UPVC windows in the properties adjoining listed buildings, specifically at Nos. 76 and 87. In these cases I accept that the UPVC would be seen in direct juxtaposition with the timber windows on the listed buildings and would affect their setting. However, the 1980s properties, whilst blending well with the earlier buildings, are discernibly of their time and differentiating just two of them from the remainder, in the interests of respect towards the listed buildings, would cloud that distinction and diminish the cohesiveness to which I have referred. Similarly, where other appeal properties are in proximity to listed buildings, but not physically adjoining, such as Nos. 51 – 53 and 75, I am satisfied that the replacement windows would not appear incongruous in the limited fields of view in which they can be seen together.

17. I have also considered the Council's suggested approach of only allowing UPVC windows on the rear, less publicly visible elevations. However, taking into account the number of modern properties which already have UPVC on their front elevations – both permitted and otherwise – the Council's revised informal policy, the previous appeal decision and the lack of identified harm, I can see no strong reasons to withhold permission from the front elevations.
18. In view of my reasoning with regard to windows, I can also see no significant harm from the proposed composite external doors, as they would provide an acceptable match, in the circumstances of this case, to the existing doors. The Council raises no specific objections to the proposed renewal of fascias, bargeboards and rainwater goods. These existing features are fairly simple and low key, as befits the general ethos of the scheme. Much of the existing rainwater goods appear to be in black plastic in any case. Provided that appropriate details, such as ogee gutters, are, as is proposed, replicated, I see no undue harm in their replacement by UPVC or cast aluminium replicas.
19. All in all, therefore, I conclude that the proposals would not harm the settings of the listed buildings and would, consequently, preserve their significance and special architectural interest. Furthermore, the character and appearance of the conservation area would be preserved. It follows that there would be no conflict with the objectives of the UDP policies and the Framework, referred to above.

Conditions

20. The Council has not suggested any conditions in the event that the appeal is allowed. In the light of national policy and practice guidance⁴, in addition to the usual commencement condition, it is necessary, in the interests of proper planning and for the avoidance of doubt, to specify the approved drawings, Design and Access Statement and attached Schedules of Proposed Works.

Conclusion

21. For all the reasons set out above, and having regard to all matters raised, the appeal should be allowed.

Nicholas Taylor

INSPECTOR

⁴ Paragraphs 203 and 206 of the Framework and PPG: Use of Planning Conditions



Appeal Decision

Site visit made on 11 March 2014

by Nicholas Taylor BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2014

Appeal Ref: APP/T4210/E/13/2205255

40 Mount Pleasant, Nangreaves, Bury, Lancashire BL9 6SR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Barry Ogden against the decision of Bury Metropolitan Borough Council.
 - The application Ref 56027, dated 19 February 2013, was refused by notice dated 26 March 2013.
 - The works proposed are "to replace the current mix of hard and softwood windows, and doors, many of which are rotten".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal in this case involves uPVC replacement windows. A concurrent appeal¹ has been lodged concerning replacement uPVC windows and rainwater goods at 51-87 Mount Pleasant. Although also within the Mount Pleasant Conservation Area, those properties are not listed buildings. I confirm that I have determined the appeal which is the subject of this decision and the other appeal separately and on their own merits.
3. National *Planning Practice Guidance* came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of this proposal, these changes to the guidance framework have not had significant bearing on my overall decision.

Main Issues

4. The appeal property is a Grade II listed building within the conservation area. Consequently, the main issues are whether the proposed works would preserve the special architectural and historic interest (or significance) of the listed building and whether the character or appearance of the conservation area would be preserved or enhanced.

Reasons

5. The appeal property is a two storey house at the end of a terrace of six houses. The listing description describes the entire terrace as stone mill workers' cottages, probably of the second half of the 19th Century. It notes that

¹ APP/T4210/A/13/2205258

windows have been altered but proportions retained. From the evidence before me, including my site visit, I consider that the significance of the property as a designated heritage asset derives principally from its robust and simple overall character and appearance and as part of a relatively uniform, architecturally cohesive former industrial village. The terrace is one of a number within the settlement of Nangreave which are listed and the village as a whole, including a large housing development constructed on the site of former mill buildings in the 1980s, is designated as a conservation area.

6. Windows and doors in the appeal property and its neighbours sit within their original openings with stone headers and cills and door surrounds. However, the appellant, Council, Victorian Society and local residents refer to the mixture of window types among the village's listed terraces and this variety was apparent from my site visit. Even among the terrace of which the property is part, there is currently no uniformity of styles, although all appear to currently have timber windows, of which sash types are evident on the front of three of the six. I have been provided with little evidence to indicate what original windows may have looked like, although all parties accept that they would have been timber, and the Council's *Mount Pleasant Nangreaves Conservation Area Appraisal and Action Plan (CAA)*, published in 2004, says that few survive. The Victorian Society acknowledges that window designs may sometimes have varied between front and back and that, historically, they would have been painted rather than having the dark cherry coloured stain which currently predominates within the village.
7. The existing windows in the appeal property also vary considerably. It is not disputed that the front windows, which are in dark stained timber, are not original but both the Council and the Victorian Society consider that they have the merit of being in traditional timber and of reasonably sympathetic proportions. A small, single storey porch extension to the rear, which the appellant states is a later addition to the house, has a number of small, painted timber windows. I concur that the existing front and rear porch windows preserve the significance of the listed building.
8. The single side window and windows in the rear of the main part of the house comprise vertical and horizontal sliding sash windows with multiple small panes in white painted softwood. The appellant says that these are not original but the Victorian Society argues that they look as if they are original and the Council opines that they are Georgian in style, possibly circa 19th Century and therefore of significant historical importance. The CAA includes a photograph of similar windows on another property to illustrate valuable historic details. Whilst the evidence before me may be inconclusive on this matter and I have not had the benefit of close inspection of the windows, they appear to be of some antiquity and are, at the very least, an interesting and attractive feature representing part of the building's evolution. Consequently, they contribute to the building's historic significance. Generally, where listed buildings are of simple and relatively humble status, as with the appeal property, windows are an important aspect of their significance as a heritage asset. Even where existing windows may or may not be those installed in the initial phase of its construction, and regardless of their condition, it is generally important to maintain consistency of materials to sustain a measure of constructional integrity and authenticity to the designated heritage asset.

9. The CAA describes the character of the conservation area as of function and uniformity, associated with its historical origins and exposed location, although not all the 19th Century houses were constructed at the same time. The CAA emphasises that simple details incorporating traditional craftsmanship are an important part of the area's significance. Overall, therefore, the existing windows also contribute to the significance of the conservation area as a heritage asset.
10. The appellant argues that flexibility is appropriate when considering proposals for Grade II listed buildings. However, development plan and national policy and law are very clear. Policy EN2/3 of the *Bury Unitary Development Plan* (UDP) states, among other things, that works or alterations which would have a detrimental effect on the historical or architectural character or features of listed buildings will not be permitted. UDP Policies EN2/1 and EN2/2 seek to preserve or enhance the character or appearance of the Borough's conservation areas. The Council's Supplementary Planning Document *Alterations and Extensions to Residential Properties* emphasises the strong controls over development affecting listed buildings and within conservation areas.
11. The *National Planning Policy Framework* (the Framework), at paragraph 132, 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. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker, in considering whether to grant listed building consent or planning permission for any works or development which affect a listed building, to 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. S72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
12. The proposed replacement windows on the main front and rear elevations would comprise uPVC vertical sliding sash types, in the existing openings, with traditional detailing, in a rosewood finish. Those in the rear porch would be of fixed light or hinged sash. The appellant emphasises that the replacement windows would be of high quality, incorporating traditional design and details, such as through-frame horns and ovolo mouldings on the frames.
13. Leaving aside the question of the proposed materials, I accept that replacement sash windows would comply with the advice for replacements provided by the CAA and would broadly match some of the other houses in the terrace. However, whilst the appellant argues that a uniform type of fenestration would enhance the property, I consider that the loss of the existing variety of windows, which tells its own story about the evolution of the building, would be harmful. Furthermore, I have not been given convincing evidence that the small paned windows on the rear and side elevations have no great significance. I consider that their loss, to provide a uniform appearance, would be particularly harmful to the significance of the listed building in this context.
14. Turning to the proposed material, the CAA clearly states that uPVC windows and doors are inappropriate. I acknowledge that the appellant says he has carried out considerable research to source high quality windows and that the quality of the best products now available may well be much better than when the CAA was written. However, whilst uPVC may superficially duplicate

traditional timber windows, and can have quite slender frames, on close inspection the differences in joints, in the depth and mounting of sealed double or triple glazing and of surface patina and texture are likely to be apparent. Furthermore, inward tilting sash mechanisms are not traditional, and when open, would clearly express the modernity of the fixture. Consequently, regardless of whether rosewood or a cream colour was to be adopted, I am not convinced that uPVC windows would be capable of convincingly matching the key traditional attributes of painted or treated fixtures, so preserving the significance of the listed building.

15. In that respect, I am not persuaded by the rather sketchy application drawing No. BO1A and the manufacturer's illustration of a single generic type of window which, notwithstanding the typical cross-section provided in Drawing No. BO1C, does not provide the detailed indication required in a listed building of how each proposed window would look in situ. Moreover, I have not been provided with any details of the contexts or circumstances of the photographs, which the appellant says are of uPVC windows fitted in stone listed buildings. Consequently, these give only a limited indication of the appeal proposals and can only be accorded limited weight.
16. Whilst composite, rather than uPVC doors are proposed, in conjunction with composite or uPVC frames, there is insufficient evidence before me to conclude that the overall effect would be acceptable. Substituting hardwood for the front door would amount to a different proposal for which no details have been provided and which is not part of the appeal before me. Similarly, given that the window frames of the rear porch run around the entirety of its three external sides, Drawing BO1B does not adequately show how the blocking up in stone of two windows in one end elevation could be satisfactorily achieved.
17. The property fronts directly onto the public lane, so that a close-up view of the windows is possible. The rear is also clearly visible from a rural public footpath. Whilst the property is located at the western end of the village, which, I accept, may be frequented by few members of the general public, the windows would still be a prominent feature to residents and others passing by.
18. The appellant refers to three listed houses in the village with uPVC windows. I have not been provided with details of two of those. In the case of the third, I note that consent was granted in 1988. Whilst the property would have been listed at that time, the decision pre-dates current local and national policy and the 1990 Act and does not carry significant weight in this case. Other decisions relating to uPVC windows, including an appeal decision² at 86 Mount Pleasant, concern unlisted properties within the conservation area and so their circumstances or policy and statutory contexts are also not directly comparable with this case. In the earlier appeal, the Inspector explicitly stated that his decision would not set a precedent for works which would fail to preserve the character or appearance of the conservation area or prevent the Council from resisting uPVC windows which would have a harmful effect. Overall, whilst not all changes evident within the conservation area may have been authorised, I have not been given convincing evidence that the Council has adopted an overtly inconsistent approach or, in view of my statutory duty, that that should have a significant bearing on my decision in this case.

² APP/T4210/A/10/2137005

19. Although I have found that the proposal would be harmful, the harm would be less than substantial. Paragraph 134 of the Framework requires that, in the circumstances, the less than substantial harm should be weighed against the public benefits of the proposal. The appellant, supported by some neighbours, advances a number of benefits of uPVC windows over timber. These include easier and safer cleaning and maintenance, which I accept is likely to be an issue in this exposed location, but this would be very largely a personal rather than public benefit. Excellent energy efficiency and weatherproofing could contribute to lower CO2 emissions and less internal dampness and rot but I have not been given convincing evidence that uPVC would perform significantly better than good quality timber windows in those respects. Moreover, there are established techniques whereby the performance of existing, traditional timber windows can be considerably improved. I am not convinced, from the evidence before me, that the embodied carbon emissions from manufacture, installation and regular maintenance of good quality timber windows, whether hardwood or softwood, would significantly exceed those of uPVC windows. Overall, the public benefits would be very limited and do not outweigh the material harm to designated heritage assets.
20. All in all, therefore, I conclude that the proposal would fail to preserve the significance and special architectural interest of the listed building in accordance with the clear expectations of the Act. It would also fail to preserve the character or appearance of the conservation area to which the appeal building makes a significant contribution. It follows therefore that it would conflict with the objectives of the UDP policies and parts of the Framework referred to above. Even though the harm would be less than substantial in this case, in the light of the considerable importance and weight which must be given to the overarching statutory duty to preserve the special architectural interest of the listed building and the conservation area, the appeal must be dismissed.

Other Matters

21. The property is located within the Green Belt and an Area of Special Landscape Value. The Council raises no objections to the proposals in those respects and, given their nature, I see no reason to disagree. The fact, referred to by the appellant, that uPVC windows have been allowed elsewhere in the Green Belt has very limited relevance to the current appeal, given that the property is also listed and within a conservation area.
22. I acknowledge the voluntary work which the appellant carries out on behalf of the community and the environment and I do not doubt his concern for the character of his house and village or doubt his good intentions in putting forward this proposal. However, these considerations do not outweigh the harm which I have identified in this case.

Conclusion

23. For all the reasons set out above, the appeal is dismissed.

Nicholas Taylor

INSPECTOR

**Planning Appeals Lodged
between 14/04/2014 and 01/05/2014**



Application No.: 56951/FUL

Appeal lodged: 23/04/2014

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr M Afzal

Location 2 Suthers Street, Radcliffe, Manchester, M26 1JW

Proposal Change of use of part of ground floor from shop (Class A1) to fish and chip shop (Class A5); Shopfront to side elevation and Extraction flue at rear.

Total Number of Appeals Lodged: 1