



Appeal Decision

Site visit made on 18 February 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/B1605/W/24/3354175

Flat 3, 6 Jenner Walk, Cheltenham, Gloucestershire GL50 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Charlotte Heath against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00895/FUL.
 - The development proposed is described as: Replacement of existing timber windows with UPVC windows
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal differs from the application form to the decision notice. That above has been taken from the decision notice, which is a more concise description of the proposal and removes superfluous text from that set out in the application form.
3. The appeal site is located between two Grade II listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard be given to the desirability of preserving the setting of listed buildings. The submitted Planning Officer's Report identifies the impact of the proposals on the setting of listed buildings as a key issue. However, the report does not include an assessment of this issue.
4. The main parties were given the opportunity to comment on the effect of the appeal proposal on listed buildings during the appeal process. Comments were submitted by the appellant, which I have taken into my reasoning.

Main Issues

5. Having regard to the above, the main issues are whether the proposal would:
 - preserve or enhance the character or appearance of the Cheltenham Central Conservation Area (CA); and
 - preserve the setting of the Grade II listed buildings known as 4 Jenner Walk and 6 Jenner Walk.

Reasons

Conservation Area

6. The appeal site is within the Old Town Character Area of the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The Old Town Character Area encompasses the historic core of Cheltenham's layout and street pattern. It covers the retail core of the town along the High Street and residential, industrial and commercial development in adjoining streets. The Central Conservation Area Old Town Character Area Appraisal and Management Plan 2007 identifies that the architecture of the Character Area contributes significantly to its character and appearance. Furthermore, it highlights the importance of Regency architecture to the area.
8. Jenner Walk is a short, narrow street accessed from St George's Place, which links to the High Street. Number 6 Jenner Walk is a Regency style house, separated into flats. The properties on either side of the appeal site, numbers 4 and 8 Jenner Walk, are Regency houses and are Grade II listed buildings. Although built more recently, 6 Jenner Walk was designed to look like the adjacent buildings. As such, the appeal property makes a positive contribution to the character and appearance of the CA.
9. All of the existing windows in the front elevation of 6 Jenner Walk are single glazed, timber framed sash windows. The windows are consistent in terms of their frame sizes, glazing bars and reveal depths. The existing windows in the rear elevation of the appeal property also have a similar appearance in terms of their materials, frame sizes and reveal depth. This consistency in the appearance of the windows is a further positive contribution to the character and appearance of the appeal building and the CA.
10. The proposal is for the replacement of 3 single glazed wooden sash windows with 3 UPVC double glazed sash windows on the first floor front elevation and the replacement of 2 wooden sash windows with UPVC double glazed casement windows on the first floor rear elevation.
11. The appellant states that the proposed UPVC windows have been designed to appear the same as the existing windows. The Council's case is that UPVC windows have features which differentiate them from timber frames. The Council contends that UPVC windows have thicker frames and that double glazing can be more noticeable due to a 'double reflection' effect.
12. From the submitted plans it is difficult to determine how the proposed windows would appear in comparison to the existing windows. The plans lack details showing, for example, the proposed width of the frames and glazing bars and they do not show the proposed depth of reveals.
13. The appeal proposal would result in changes to only the first floor windows in the front and rear elevations of 6 Jenner Walk. I am not satisfied therefore, that the proposed development, based on the submitted plans, would maintain the consistent appearance of the windows of 6 Jenner Walk.

14. The evidence refers to other UPVC windows in the surrounding area. On my site visit I did see other buildings in the vicinity of the appeal property, including on Jenner Walk, which have UPVC windows. However, in these cases, I observed that all windows within an elevation were UPVC and so the uniformity of the building's appearance is maintained. In any event, the presence of other UPVC windows does not justify the appeal development in light of the harm I have found.
15. The appeal proposal would thus fail to preserve or enhance the character and appearance of the CA. As such, it conflicts with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) and Policy D1 of the Cheltenham Plan 2020 (CP). Together these policies require development be designed to respect the architectural integrity of the site and its surroundings, whilst having appropriate regard to the historic environment and ensuring that designated heritage assets are conserved and enhanced.

Setting of Listed Buildings

16. The appeal property is located between two Grade II listed buildings known as 4 Jenner Walk and 8 Jenner Walk. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of these listed buildings.
17. The listing descriptions for both buildings highlight the significance of their original sash windows. Together, numbers 4, 6 and 8 Jenner Walk have a consistent appearance in terms of their front elevation windows. The windows are all timber framed with similar depth reveals, frame sizes and glazing bars. As such, the appeal property makes a positive contribution to the setting of the two listed buildings.
18. As discussed above, the submitted plans do not contain enough detail to determine whether the proposed UPVC windows would have a similar appearance to the existing windows of the appeal property. Given 6 Jenner Walk was designed to look like the adjacent listed buildings, a change to the appearance of its windows would detract from their setting.
19. Therefore, the proposal would fail to preserve the setting of the Grade II listed buildings known as 4 Jenner Walk and 8 Jenner Walk. As such, it would conflict with Policy SD8 of the JCS and Policy SD4 of the CP which require development to have appropriate regard to the historic environment and to conserve and enhance the settings of designated heritage assets.

Heritage Balance

20. Taking all of the above into account, I find the harm to the CA and the setting of the listed buildings to be less than substantial, but nevertheless of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
21. It is suggested that the proposed UPVC windows would improve energy efficiency in the appeal property. Whilst general improvements to the housing stock may be of some limited public benefit, this matter does not outweigh the great weight that should be given to the assets' conservation.

22. The appellant also states that UPVC windows are required to resolve damp conditions caused by condensation on the existing windows, which is affecting their health. There are other means by which condensation can be managed. However, even if that were not to be the case, this is not sufficient to outweigh the harm I have found to the CA and the setting of the listed buildings.

Conclusion

23. I therefore conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

A O'Neill

INSPECTOR