

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/23/0219</b>                                                                                                                                                               |
| <b>Site Address:</b>                    | <b>2A And 3 John Street<br/>Merthyr Tydfil<br/>CF47 0AE</b>                                                                                                                    |
| <b>Development:</b>                     | <b>Replacement of existing (unauthorised) windows to first and second floors with upvc sliding sash windows and to dormer windows with upvc flush fitting casement windows</b> |
| <b>Case Officer:</b>                    | <b>Rebecca Owens</b>                                                                                                                                                           |
| <b>Site Visit:</b>                      | <b>4th October 2023</b>                                                                                                                                                        |
| <b>Application Expiry Date:</b>         | <b>16th January 2024</b>                                                                                                                                                       |
| <b>Consultation reply date expired:</b> | <b>25th October 2023</b>                                                                                                                                                       |

## APPLICATION SITE

The application site relates to two three storey Victorian properties, located in the Merthyr Tydfil town centre. The buildings, houses commercial uses at ground floor (a shop and post office) and is used for residential purposes at first and second floor (flats).

The building lies within the Town Centre Conservation Area, as designated within the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031. It is also recognised as a Locally Listed Building within the Merthyr Tydfil Town Centre Conservation Area Character Appraisal (2009).

## PROPOSED DEVELOPMENT

Full planning permission is sought for the replacement of existing (unauthorised) windows with upvc sliding sash windows and casement windows.

The first and second floor windows on the eastern side of the front façade would be replaced with upvc sliding sash. These would feature horn detailing with clear panels to the top and bottom.

The first floor windows to the western side of the façade would also be replaced with upvc sliding sash windows featuring horn detailing but these would also have glazing bars to the upper window panel.

The upvc windows in the two front dormer windows would be replaced with new flush fit upvc casement windows.

## PLANNING HISTORY

There are a number of recent planning applications relating to this site. The most relevant planning history is detailed below:

P/15/0031      Retention of uPVC windows to first floor front elevation  
Refused planning permission on 19 May 2015

*“The uPVC casement windows with bottom openers, by virtue of their design, materials and opening mechanism, represent an unsympathetic addition to the Locally Listed Building which detracts from its historic character and appearance and fails to preserve or enhance the character and appearance of the Town Centre Conservation Area. As such, the proposal is contrary to Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan”.*

## CONSULTATION

No consultation exercise was considered necessary in this instance.

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

## POLICY CONTEXT

### National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

### National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *“There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised”*. With paragraph 6.1.15 clarifying that *“There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level”*.

Technical Advice Note 24: Historic Environment is also relevant.

## Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- CW1 Historic Environment
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.

### **Merthyr Tydfil Town Centre Conservation Area Appraisal (June 2009)**

This states that preservation of the Conservation Area is a priority and identifies Listed Buildings, locally listed buildings and buildings that are considered to add positively to the character and appearance of the Conservation Area. It terms of key issues identified the appraisal notes that a need to manage the unlisted 'positive' buildings that must be protected from demolition or unsympathetic alterations and states that :

*"The Council will also need to monitor change within the conservation area and be prepared to take enforcement against unauthorised works deemed to be detrimental to its character and appearance".*

With respect to the character of windows in the area appraisal states:

*"The majority of early and mid 19<sup>th</sup> Century buildings have rectangular openings, which form an important element of their simple, symmetrical designs, whilst in the later buildings, a trend is even for more elaborate arched opening".*

It also highlights the importance of the retention of such features noting:

*"The survival of traditional timber framed sash windows on many of the buildings throughout the town centre add considerably to the positive contribution of buildings, listed and unlisted to the character and appearance of the conservation area".*

## **PLANNING CONSIDERATIONS**

Approximately nine years ago the timber sash windows (with horn detailing and glazing bars to the upper window panel) within the front elevation of the property were removed and replaced with upvc casement windows with a fixed upper panel and opening lower panel. An application to retain these windows was subsequently refused due to their unacceptable impact on the traditional character of the building and its failure to either preserve or enhance the conservation area. It is also noted that the timber windows in the two front dormers were also replaced with unauthorised upvc casement windows. An enforcement notice was subsequently served requiring the removal of the unauthorised windows (including those to the dormers) and the reinstatement of timber windows which matched those that were replaced. Despite requiring this action to be undertaken by 17 March 2016, the unauthorised windows are still in place and this application has been submitted to replace these with upvc sliding sash windows and to replace the dormer windows with flush fitting, upvc casement windows.

The main consideration of this application is whether the proposed windows would be an acceptable replacement of the original timber windows. In determining this, their impact on the character and appearance of the property itself, the wider street scene and the Town Centre Conservation Area must be carefully assessed. The front façade of these three storey Victorian buildings display a number of traditional detailing and features. They area also designated as locally listed and as such are identified within the Town Centre Conservation Area Appraisal as having a positive contribution to its character and appearance. Changes to the numerous windows which form a key feature of the buildings would have a significant impact.

With respect to the eastern side of the building, it is noted that the replacement windows in the central gabled bay of the second floor front façade have been in place for in excess of four years, and are therefore immune from any enforcement action. Nevertheless, these replacement windows have eroded key architectural features. The Venetian window detailing has been lost with the use of uPVC and the simple but charming half moon window with glazed bars has not been replicated. Instead this feature has been in filled and clad. As a result, the rhythm through the storeys has been lost. Incremental changes such as this erode at the character of a building and area. It is therefore essential that further erosion of architectural detailing is prevented as it has a detrimental impact on the character and appearance of the building and wider area.

It is the loss of such fine, intricate details, which has an accumulative impact on heritage buildings, and on the special character of conservation areas. The retention of traditional windows is important, as every period has windows for their chosen architectural period. Predominately this style is sash windows from the Georgian period onwards; however sash windows vary in appearance and design, and this variation aides conservation officers and other architectural practitioners to age a building. Windows also inform changing styles, show technical advances, craftsmanship, the fashion of the day, and the owner's status. Indeed, the existing unauthorised upvc windows have significantly harmed, and further eroded the traditional character and appearance of this building, the streetscene and the Town Centre Conservation Area.

Whilst the proposed windows are conservation style alternatives and of a more sympathetic appearance than the existing upvc casement windows, it is still considered that their modern upvc material is unacceptable. This application is seeking an acceptable alternative to the original timber windows which have been replaced without planning permission. Their replacement with modern upvc windows (albeit of a traditional design) is not deemed to either preserve or enhance the conservation area or indeed these locally listed buildings and their traditional features. It is features such as these which form part of the special architectural interest of the building and which accounts for its recognition as a Locally Listed Building and its inclusion within the Town Centre Conservation Area. Indeed it is noted that neighbouring buildings have undergone refurbishment works, which include the installation of new timber sliding sash windows which have served to enhance the character and appearance of the conservation area. Whilst it is recognised that each planning application must be determined on it individual merits, it is considered that allowing a modern alternative would create a precedent within the town centre conservation area and undermine the work being undertaken to preserve its traditional character and features.

Notwithstanding the above objection in terms of the material, it is also noted that the drawings submitted with this application are not sufficient to demonstrate that the replacement windows would be suitable in other respects. Had the principle of

conservation style upvc windows been deemed acceptable further details would have been sought, including more detailed drawings of the windows, so the frames and features could be suitably assessed and measured, sections through the windows within the elevation to show how they would be installed and where they would sit in the opening and details of the window finishes and finer details (weather seals, spacers etc)

For the above reasons the windows are not deemed to be acceptable and the proposal is found to contravene Policies SW11 and CW1 of the LDP.

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

Accordingly the following recommendation is made:

**RECOMMENDATION: BE REFUSED** for the following **REASON:**

1. The proposed windows by virtue of their modern uPVC material would represent an unsympathetic addition to the Locally Listed Building which would erode its historic character and appearance and would fail to either preserve or enhance the character and appearance of the Town Centre Conservation Area. As such, the proposal is contrary to Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

**RECOMMENDATION ENDORSED**

  
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pp Director of Neighbourhood Services

**DATE: 01.12.2023**