



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/09/2022

gan Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 11/01/2023

Appeal Decision

Site visit made on 20/09/2022

by Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh
Ministers

Date: 11/01/2023

Appeal Ref: CAS-01827-F2V1Z2

Site address: Ground floor, Leamington House, Temple Street, Llandrindod
Wells LD1 5DU

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Miss Fay Jones MP against the decision of Powys County Council.
 - The development is described as 'to replace a rotting wooden door and window frame with similarly coloured UPVC and add Use Class B1(a) (Business, offices) to consent'.
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Decision

1. The appeal is allowed insofar as it relates to add Use Class B1(a) (Business, offices) to consent at Ground Floor, Leamington House, Temple Street, Llandrindod Wells LD1 5DU, in accordance with the terms of the application, Ref: 21/0438/FUL, dated 09/03/2021, subject to the following condition:

Unless within 1 month of the date of this decision a scheme to maintain and enhance biodiversity is submitted in writing to the local planning authority for its written approval, and unless the approved scheme is implemented within 3 months of the local planning authority's written approval, the use of the site for Use Class B1(a) (Business, offices) shall cease until such time as a scheme is approved in writing and implemented. If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site for Use Class B1(a) (Business, offices) shall cease until such time as a scheme approved in writing by the local planning authority is implemented.

Reason: In the interests of biodiversity in accordance with LDP Policy DM2, Future Wales and section 6 of the Environment (Wales) Act 2016.

2. The appeal is dismissed insofar as it relates to replace a rotting wooden door and window frame with similarly coloured UPVC.

Procedural matter

3. It has been suggested that the need for planning permission in this case may fall into a “grey area”. Nevertheless, this is not a matter for jurisdiction in this appeal.

Main Issue

4. This is the whether the development preserves or enhances the character or appearance of the Llandrindod Wells Conservation Area.

Reasons

5. Leamington House lies within the Llandrindod Wells Conservation Area (“the Conservation Area”). Paragraph 4.2 of the Powys Local Development Plan 2011-2026 (“LDP”) Conservation Areas Supplementary Planning Guidance (“SPG”) highlights the relevance of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. LDP Policy DM13 requires development proposals to demonstrate good quality design and to have regard to the qualities and amenity of the surrounding area. It seeks development within conservation areas to be designed in accordance with any relevant Conservation Area Character Appraisal, Management Plan or any other relevant detailed assessment or guidance adopted by the Council. A Llandrindod Wells “Town Character Appraisal” has been supplied, but its character appraisal is not limited to the Conservation Area which is a smaller area within the town. The information it contains is not specific to the particular context of the appeal site, and it therefore has little usefulness for the purposes of this appeal.
7. In any event, it is for the decision-maker to come a view on the character and appearance of a conservation area. It was apparent during my site visit that the Conservation Area has a strong character derived from the historic architecture within it, and the great extent to which these buildings have retained original features and design details. Many of the buildings appear to date from the 19th and early 20th century.
8. Parts of the Conservation Area have characteristic buildings with a business office use in circumstances similar to those of Leamington House. Consequently, the business office use on the ground floor of Leamington House preserves the character of the Conservation Area.
9. I now turn to the part of the appeal scheme regarding the works on the front door and window frame. The ground floor of Leamington House is currently used as a Member of Parliament’s constituency office. The wooden door and window frame have been replaced with UPVC. Fanlight/transom windows in the Conservation Area often include the building name, and this has been omitted from the new Leamington House frontage. However, it is the materials, lack of characteristic detailing and bulky form of the UPVC units at Leamington House that most conspicuously erode the appearance of the Conservation Area by reducing the prevalence of characteristic wood framed doors and windows.
10. The architectural features of the Leamington House frontage that have been retained around the new door and window are characteristic of the Conservation Area. They highlight the contrast between the traditional construction materials and their detailing and the unsympathetic appearance of the UPVC units installed at the appeal site.
11. There is a building very close to the appeal site that has a glazed shop front with a metal frame, and there are other examples of UPVC/metal doors and windows that have been installed within the Conservation Area. Nevertheless, Temple Street, in common with

other areas of the Conservation Area, typically has business premises and other buildings with wood framed doors and windows. The Conservation Area contains many buildings with wooden doors, windows and glazing bars that, through their profile, proportions and designs, are clearly characteristic of the designation. The presence of other modern materials is not therefore determinative of the area's character or appearance, and where they exist, they are not good examples to follow.

12. Accordingly, the installation of the UPVC front door and window on the appeal site failed to preserve or enhance the appearance of the Llandrindod Wells Conservation Area, which conflicts with LDP Policies DM13 and SP7. However, the business office use of the ground floor of Leamington House preserves the character of the Llandrindod Wells Conservation Area and complies with LDP Policy SP7.
13. A suggested condition would require the removal of the frontage after Leamington House is used as a Member of Parliament's office. However, the failure to preserve the appearance of the Conservation Area would continue, it would be conspicuous, and under such a condition it could continue for many years. Consequently, the suggested condition would not prevent or mitigate the identified failure.

Other Matters

14. If the ground floor of Leamington House were not to be occupied, it would be an additional vacant shop front within the Conservation Area. Nevertheless, the shop fronts next to the appeal site that appear vacant (or not to have obvious occupation) still preserve the appearance of the Conservation Area through their characteristic wooden doors and windows, and the appeal site would do so if it had a characteristic shopfront. The absence of a business / office occupier at Leamington House would erode the vitality of the town centre. However, I have little conclusive evidence that the unit would remain empty for a long period of time if it were to be vacated.
15. In reaching my decision, and having regard to paragraph 6.1.15 of Planning Policy Wales (Edition 11) ("PPW"), I have considered whether there are public interest grounds that make an exceptional case for overriding the strong presumption against granting planning permission for developments which damage the character or appearance of a conservation area. In doing so I have attached considerable importance to the need to protect the personal safety of politicians and their staff and I have had regard to the specific requirements of parliamentary security teams when vetting constituency offices.
16. The costs to the public purse of the potential relocation of the constituency office have also been raised. However, there is no tangible information to indicate that other less damaging security options have been properly explored. Neither is there any cogent evidence that timber replacement frames would provide significantly less security than UPVC. In these circumstances, it has not been demonstrated that an exceptional case on public interest grounds exists to justify the impacts of the development on the Conservation Area.
17. It is apparent, that the two parts of the appeal scheme are physically and functionally separate, and a split decision could be made in this case.

Condition

18. Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities, in carrying out their functions, to seek to maintain and enhance biodiversity. Given the nature of the decision and development in this case, a condition is necessary to maintain and enhance biodiversity.

Conclusion

19. All matters raised in this case have been taken into account. For the reasons given above, I conclude that the appeal should succeed in part only. In relation to the part of the appeal scheme for the B1(a) business office use, no matters have been found to outweigh the use's conformity with the LDP, and the appeal should be allowed.
20. In relation to the part of the appeal scheme for the replacement of the wooden door and window frame with similarly coloured UPVC, no matters, including the scope of possible planning conditions, have been found to outweigh its failure to preserve or enhance the appearance of the Llandrindod Wells Conservation Area and the resulting conflict with LDP policy. Accordingly, the part of the appeal scheme for the replacement of the wooden door and window frame with similarly coloured UPVC should be dismissed.
21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Clive Sproule

Inspector