
Appeal Decision

Site visit made on 20 September 2016

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 25 October 2016

Appeal Ref: APP/D0840/Y/16/3149768

Emily's Cottage, Beach Hill, Portloe, Truro, Cornwall TR2 5QX

- 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 Miss Sara Schofield against the decision of Cornwall Council.
 - The application Ref PA15/07133, dated 31 July 2015, was refused by notice dated 9 November 2015.
 - The works proposed are replacement windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed works would preserve the Grade II listed building known as Emily's Cottage (listed as Cove Cottage, The Hideaway, The Cottage and building approximately 5 metres to north of Bay Cottage) or any features of special architectural interest that it possesses.

Reasons

Special interest and significance

3. Emily's Cottage forms part of an irregular terrace of cottages set at the head of the landing slip at the heart of the historic and picturesque settlement of Portloe. In common with its neighbours it expresses the typical C19 vernacular attributes of the County, being constructed of local stone rubble with a roof clad in natural slate. The front elevation of the cottages (excepting the appeal property), are strongly characterised by their timber sliding sash windows set in their box frames and divided by profiled glazing bars accommodating single glazed panes. Therein lies the key attributes of the special interest and significance of the building and group. In recognition of their special architectural interest as an entity the cottages are listed as a group, this being specifically identified in the list description by the initials 'GV' (Group Value). As such, and due to their prominent location, they make a positive contribution to the special interest and significance of the conservation area, the designation of which covers the central area of the village.

The proposals

4. The proposals are for the replacement of the unauthorised uPVC windows with those made of timber. These are indicated as replicating those timber windows in the cottage prior to their replacement with the current fixtures. There is however some ambiguity in the details provided. The quotation document illustrates sashes with glazing bars, whilst the details illustrating the cross-sections show single-sealed units within the sashes. Moreover, the Design and Access statement appears to relate to the former proposal for uPVC windows, The 'Heritage Statement' refers to 'hornless 8 over 8 pane' sashes whilst the specification drawing illustrates horns and the appellant's Grounds for Appeal documents refer to the inclusion of 'trickle vents' in the introduction, although these do not appear in the detailed specification.
5. As the section drawings offer the most detailed illustration of the windows proposed I have used these in conjunction with the notes on the quotation document as a basis for my consideration of the appeal. These illustrate sash and casement windows and doors with a frame profile that incorporates an integral external chamfer to the rail and style to apparently replicate the form of a traditional puttied finish and a quarter Ovolo section bead to the interior securing the single double glazed unit in each sash. Although it is not explicit, I take the reference to the 'glazing features' ('astragal squares'), and 'size of bar' ('18mm') in the specification document to refer to the application of glazing bars to the interior and exterior of the sealed unit incorporated in each sash. This also suggests beads sandwiched within the units to consolidate the visual effect of the applied bars and the incorporation of marginal spacing beads set within the frame. The same methodology is applied to the rear elevation casement windows and the doors.

The effect of the proposed works

6. I readily accept the provision of such timber framed windows is a material improvement on the uPVC examples currently installed in the cottage. However, beyond the use of this traditional material, with the attributes I have described above, they would still be no more than superficial replicas of traditionally crafted single glazed windows. The applied external bars, presumably formed of timber and chamfered, would not convincingly replicate the nib and putty profile of the traditional fixtures. Moreover, the 'sandwiched' bars would be evident behind the applied bars, and, the continuous plane of the front glass of the sealed unit would also be clearly discernable, along with the register of the second pane beneath, behind the pattern of the applied wood. The separating bead around the margin of the unit would also be readily discernable, further revealing the modern technical fabrication of the whole.

Consideration

7. Accordingly the proposed windows would lack both the constructional integrity and the important visual subtleties of texture that traditional carpentry and glazing methods and finishes offer. In so failing, they would also fail to preserve the special architectural interest of the listed building, contrary to the expectations of the Act¹, the desirability of which is a consideration the Courts have determined as a matter of considerable importance and weight. Moreover, it would fail to accord with the expectations of paragraph 132 of the

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (henceforth referred to as the Framework) which anticipates great weight being afforded to the conservation of designated heritage assets. For the same reasons they would also conflict with local development plan policies that seek to underpin these statutory and national policy objectives.

The planning balance

8. In accord with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case I conclude this should be considered as less than substantial when considered in the context of the significance of the asset as a whole. In such circumstances the Framework further requires that any identified harm is weighed against any public benefits the works might secure.
9. As the appellant suggests, it may be the case that the replacement windows may achieve a greater degree of environmental control within the building, thus alleviating damp prejudicial to its condition. Furthermore, increasing the security of the building, limiting attempted break-ins, may also contribute to reducing demands on community policing in what is a rural area. Both, though in the scheme of things modest, may reasonably be considered public benefits that can be weighed against any harm. However, it has not been demonstrated that such improvements could not be achieved through alternative means, so avoiding the harm identified to the designated heritage asset. This significantly limits further the weight to be afforded these considerations in support of this appeal.
10. Whilst the Council make no reference in their reason for refusal to the effect of the works on the character and appearance of the conservation area, as a statutory consideration, I am required to have regard to this matter when determining the appeal. In my view it follows that if the special interest of a listed building within a conservation area, prominently located such as in this case, is materially diminished, it follows that the character and appearance of that conservation area as a whole is also similarly incrementally harmed. Whilst the magnitude of that harm may quickly be concluded as also less than substantial, in the context of the conservation area as a whole, it would nevertheless fail to preserve it, and so be in conflict with the requirements of section 72 of the Act².
11. Moreover, whilst in both cases the harm may be considered less than substantial, this should not be equated with less than substantial planning objection, particularly where the statutory duties to preserve the listed building and conservation area have not been met. Furthermore, the absence of any meaningful public benefits that might outweigh the identified harm further militates against the appeal succeeding.
12. The appellant again refers to the 'precedents of other properties in Portloe of similar age, character and visual architectural appearance where wooden windows and frames have been permitted to be replaced with non-conforming materials in the Conservation Area'. However, these properties are not identified, any details of the alterations to them provided, their lawful status

² Ibid.

confirmed, nor whether they relate to listed buildings. In such circumstances I am able to afford these references only very limited weight.

13. Similarly, the appellant also asserts that 'Nationally there have been numerous occasions of precedents where LPA's have made exceptions in special cases to double glazed sash windows to be used in similar circumstances within the Conservation Area'. Once again though, the details of such instances are not provided, nor indeed whether they too relate to listed buildings. For the same reasons therefore I am able to give such matters only very limited weight.

Conclusion

14. The proposed replacement windows would fail to preserve the listed building or the conservation area, contrary to the clear expectations of the Act. Moreover there are no public benefits or other considerations that would outweigh the harms identified. For these reasons, and having considered all matters raised, I conclude the appeal should be dismissed.

David Morgan

Inspector