
Appeal Decision

Site visit made on 7 November 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 16 November 2016

Appeal Ref: APP/C3105/Y/16/3155571

**1 Tithe Barn, Main St. through Merton, Merton, Bicester,
Oxfordshire OX25 2NF**

- 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 Dr Roy Levers against the decision of Cherwell District Council.
 - The application Ref 16/00206/LB, dated 3 February 2016, was refused by notice dated 20 April 2016.
 - The works proposed are described as '*replace 7 wooden casement windows with identical ones (double glazed) in conjunction with Mr Paul Stubbs (2 Tithe Barn) who has applied for 5 identical style windows for his property*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have proceeded on the basis that it is the windows shown on the 'Stormsure Standard Casement' for which consent is sought. I also note that there is a similar appeal at No 2 Tithe Barn (appeal reference 3155296) which is separately before me to determine.

Main Issue

3. The main issue is whether the proposed works would preserve the special architectural or historical interest of the Grade II listed building.

Reasons

4. The appeal building is part of Tithe Barn, a Grade II listed building, which was converted into four residential dwellings in the 1970s. The historic significance of the listed building derives from the fact that the building dates from around the 16th Century, as identified within the listing description. Although the building was converted from an agricultural building in the 1970s, it is clear to see from the elevation facing The Orchard and that facing The Buffs, that the building exhibits clear Tithe Barn features. Indeed, the overall appearance of the building and its architectural details as seen within the street scene further contributes to its significance.
5. The proposal seeks the replacement of windows which date from circa 1970s, with double glazed timber windows. Elements of the proposed windows would be greater in size than the existing windows. For example, the officer's report indicates that the head and jamb details would be 7mm that existing and the

depth increased by the double glazing by 15mm. Such increases in size, whilst seemingly small, would nonetheless be discernible given the differing appearance of the proposed windows.

6. In addition to the overall increase in size of the frames is the fact that the windows shown on the brochure page are of a differing design to the existing windows. For example, the central fixed window pane in the centre of the window has a thick and heavy storm window style frame that protrudes from the window plane, whereas on the existing windows there are not such prominent features. The combination of both the larger frame size and divergent appearance of the windows would contrast with the existing windows within the appeal property that the appeal scheme seeks to replace. It would also result in half of the Tithe Barn having dissimilar windows compared to the part at Nos 3 and 4, which would not have any windows replaced.
7. The proposal would therefore have a negative impact on the listed building and would therefore fail to preserve the special interest of the building. The local planning authority indicates in their reason for refusal that the proposal would result in 'less than substantial' harm to the designated heritage asset. The National Planning Policy Framework (the Framework) at Paragraphs 123 to 141 indicates degrees of harm being 'substantial' or 'less than substantial'. Neither degree of harm is fully defined. However, given the proposal would see the replacement of windows (even though these have been found unacceptable), the proposal would result in no more than less than substantial harm. Yet, less than substantial harm does not equate to less than substantial planning objection, and decision-makers should give considerable importance and weight to the desirability to preserve the special architectural or historic features of listed buildings; as I have done here.
8. I therefore conclude that the works undertaken fail to preserve features of special architectural or historic interest the listed building possesses and would therefore result in less than substantial harm to the designated heritage asset in the form of the listed building. In accordance with Paragraph 134 of the Framework, no public benefits have been cited in this case. Accordingly, not only are the works contrary to the provisions of the Planning Acts, but they also fail to comply with Policies C18 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and the policies of the Framework, which, amongst other aims seek to ensure that alterations to listed buildings preserve or enhance the special architectural or historical interest of the listed building.
9. I note the concerns raised over the local planning authority's handling of the application; including at the pre-application stage. This is a private matter between the main parties and it does not alter my consideration of the heritage issues.
10. For the reasons given above, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR