
Appeal Decision

Site visit made on 22 September 2016

by Ian McHugh DipTP MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/P4605/Y/16/3150569
57 Lee Crescent, Birmingham, B15 2BJ

- 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 S Jane Darnton against the decision of Birmingham City Council.
 - The application Ref 2016/01251/PA, dated 11 February 2016, was refused by notice dated 22 April 2016.
 - The works proposed are the replacement of two first-floor windows with double-glazed units.
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Decision

1. The appeal is dismissed.

Procedural Note

2. The description given in the banner heading above is a simplified version of the description given by the appellant in the application form. It is however consistent with the description used by the Council in its decision notice. I am satisfied that it adequately describes the proposal and I have therefore determined the appeal on this basis.

Main Issues

3. These are the effect of the proposal on the character and special interest of the appeal property, which is a Grade II listed building; and whether the proposal would preserve or enhance the character or appearance of the Lee Crescent Conservation Area (CA).

Reasons

4. The appeal property is two-storey dwelling, which is situated in the CA. The property is a Grade II Listed Building, which (according to the Council) forms part of the "last Georgian terrace" in the city. The CA is relatively small in size and is mainly characterised by the Georgian properties, which front an area of green space. The buildings in the CA have been refurbished and, although the painted single-glazed windows on the appeal property are not original, they have a traditional appearance. In my opinion, the windows reflect the period and character of the building. Furthermore, I observed at my site visit that other properties contain windows of a traditional style and appearance. This fenestration makes a positive contribution to the character and appearance of the CA, as well as the significance of the building. I also noted that there was

- no evidence of double-glazing on the front of the buildings along this section of Lee Crescent.
5. The proposal is to replace two first-floor windows on the front elevation of the dwelling with soft-wood painted double-glazed sliding sash units. The appellant states that this would improve thermal efficiency and the windows would be "identical" in appearance to the existing windows in the property and to others in Lee Crescent.
 6. National Policy on conserving and enhancing the historic environment is set out in Section 12 of the National Planning Policy Framework (the Framework). Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 3.25 of the Birmingham Unitary Development Plan 2005 (UDP) is consistent with the Framework and states that any development affecting a listed building should preserve or enhance its character. Policy TP12 of the emerging Birmingham Development Plan also seeks to protect and enhance the historic environment.
 7. The appellant refers to the Historic England publication – *Traditional Windows Their Care, Repair and Upgrading 2015*, which states that "the introduction of slim-profile IGUs has made it possible to produce new double-glazed windows in traditional materials which may be more sympathetic to the character of older buildings than earlier types of replacement windows". However, guidance also states that slim-profile IGUs do not replicate the qualities of historic single-glazing. Therefore where the significance of a building warrants an accurate copy of a historic window, this should be single-glazed with consideration given to draught sealing or secondary glazing. The appellant has confirmed that neither of these options would be acceptable to her.
 8. Although the appellant has produced some detail, in the form of elevations and cross sections of the proposed windows, I have not been provided with sufficient evidence (for example, the width and profile of the existing and proposed external glazing bars) to show how the proposed replacements would compare with either the existing windows or with windows of a type and style that would be appropriate to this period building.
 9. In my opinion, both the appeal property and the CA have importance as designated heritage assets, to which statutory protection applies. Consequently, I must give significant weight to their preservation and enhancement. In the absence of further information, and the consequent risk that the replacement windows would not be in keeping with the existing building, I am unable to conclude that the proposal would preserve or enhance the character or appearance of the listed building or the CA. Whilst any harm would be "less than substantial" in the context of paragraph 134 of the Framework, I am not persuaded that the public benefits of the proposal, including thermal efficiency, outweigh the harm that I have identified. The proposal would therefore fail to accord with the adopted UDP or with the provisions of the Framework, as referred to above.

Conclusion

10. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR