
Appeal Decisions

Site visit made on 9 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 17th January 2017

Appeal A: Ref: APP/F1040/Y/16/3158229

5, 6 and 10 Grange Farm Court, Linton, Swadlincote, Derbyshire, DE12 6RP

- 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 Mr Terence Browne against the decision of South Derbyshire District Council.
 - The application Ref: 9/2016/0463/L dated 9 May 2016, was refused by notice dated 18 July 2016.
 - The works proposed is replacement of existing windows at Nos 5, 6 and 10 Grange Farm Court.
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Appeal B: Ref: APP/F1040/W/16/3158232

5, 6 and 10 Grange Farm Court, Linton, Swadlincote, Derbyshire, DE12 6RP

- 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 Mr Terence Browne against the decision of South Derbyshire District Council.
 - The application Ref: 9/2016/0464 dated 9 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is replacement of existing windows at Nos 5, 6 and 10 Grange Farm Court.
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Decision

1. **Appeal A:** The appeal is allowed and listed building consent is granted for the replacement of existing windows at Nos 5, 6 and 10 Grange Farm Court, Linton, Swadlincote, Derbyshire, DE12 6RP in accordance with the terms of the application, Ref: 9/2016/0463/L dated 9 May 2016, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B:** The appeal is allowed and planning permission is granted for the replacement of existing windows at Nos 5, 6 and 10 Grange farm Court, Linton, Swadlincote, Derbyshire, DE12 6RP in accordance with the terms of the application Ref: 9/2016/0464 dated 9 May 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

3. I consider the main issue common to both appeals is the effect of the proposed development and works on the special architectural and historic interest of the Grade II curtilage listed buildings and the setting of the listed group.

Reasons

4. The appeal relates to three adjoining dwellings, being part of a group of former farm buildings which were converted to residential use about 10 years ago. The buildings are located to the north-east Grade II listed Grange Farm. Due to their physical proximity and former functional relationship to the farmhouse they may be considered as curtilage listed buildings in accordance with Section 5(2) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990* (the 'Act'). The proposal relates to the replacement of four (unauthorised) uPVC windows on the road facing elevation of the three dwellings with composite coloured wood grain effect windows.
5. As part of its considerations when granting planning permission for the original conversion, the Council says one of the key aims was to maintain the agricultural appearance of the buildings by ensuring that the layout and form of the development respected the agricultural origins of the barns, and for the conversion to be achieved with minimal external alterations. To this end normal permitted development rights for extensions and alterations, including replacement windows, were removed to retain control over future appearance.
6. Sections 16(2) and 66(1) of the Act require the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses. Saved Environment Policy 13 of the *South Derbyshire Local Plan, 1998* (LP) says alterations that would have an adverse effect on the fabric or character of a listed building will not be permitted. Policy BNE2 of the *South Derbyshire Local Plan Part 1, 2016* (LP1), says development that affects heritage assets will be expected to protect, enhance and conserve the assets and their settings in accordance with national guidance and supplementary planning documents. Policy BNE11 of the emerging *South Derbyshire Local Plan Part 2* (LP2) has similar aims.
7. Paragraph 132 of the *National Planning Policy Framework* (the Framework) says when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
8. The significance of a heritage asset is the sum total of its heritage values, and I agree with the Council that historic windows will usually be of such significance that every effort should be made to conserve them, as most historic windows will illustrate to varying degrees the materials, technology, craftsmanship and architectural taste of the period. The Council says that although the single-glazed painted windows installed as part of the conversion works were modern replacements, they nonetheless contributed to the character of the group of listed buildings, added to their interest through the use of traditional materials, and maintained the aesthetic value of the heritage assets.
9. However, as shown in the '*Residence 9 Windows and Doors*' marketing information submitted with the application, the proposed windows attempt to replicate the flush design of more traditional timber windows, and those proposed here do not feature inappropriate modern details such as stub cills and opening lights that sit proud of the window frame. Significantly, the proposal does not relate to the replacement of windows that were part of the

historic fabric, and the only real difference compared with the timber windows installed about 10 years ago is the material from which they are made. The Council's *Historic South Derbyshire Supplementary Planning Guidance* says external joinery should be painted timber, and that stained timber, aluminium and uPVC will not normally be permitted. Nonetheless such guidance should not necessarily be followed prescriptively, and whilst a composite material is not normally favoured in heritage assets, in this case I consider the proposed windows would be more sympathetic to the character of the building than the existing uPVC windows, which are somewhat clumsy in proportion and profile.

10. Furthermore, the windows would not be seen in the context of the other surviving single-glazed timber windows elsewhere in the group, but in the context of the white uPVC windows of the adjacent Wheatmere Cottage and the large blue-coated aluminium windows at Nos 6 and 7 to the rear of this range. Although the Council states that no planning permission or listed building consent was sought to change these windows from the previous painted timber joinery, there is now a considerable variety in the finish, design and material of the other windows and openings within the group of buildings, and this is now part of their present character and appearance.
11. I accept that the proposed windows would subtly alter the character and appearance of the curtilage listed buildings. However, taking into account the particular circumstances and having carefully considered all the evidence, I conclude that the proposed works would preserve the special architectural and historic interest of this Grade II curtilage listed building and the setting of the listed group, causing no harm to the significance of the heritage assets. As such, I find no conflict with saved LP Environment Policy 13, LP1 Policy BNE2, emerging LP2 Policy BNE 1 and the provisions of the Framework.
12. The Council says a precedent would be set for replacement windows of a similar type elsewhere in the group of buildings. However, each application and appeal has to be assessed on its own merits, and given my conclusion regarding the effect of the proposal I do not consider that a harmful precedent would be set.

Conditions

13. I have considered the conditions put forward by the Council in the light of the advice in the Government's *Planning Practice Guidance*. Conditions are needed in both appeals to secure compliance with the submitted plans and accompanying information for the avoidance of doubt and in the interests of proper planning. I agree that full constructional details and details of the finished colour of the windows are needed to safeguard the special architectural and historic interest of the buildings.

Conclusion

14. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions

Appeal A: Ref: APP/F1040/Y/16/3158229

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works shall be carried out in accordance with the location plan, details, photographs and appendices accompanying the application and dated 9 May 2016.
- 3) Notwithstanding condition No 2 above no works shall take place until large scale drawings to a minimum Scale of 1:10 of the replacement windows, including horizontal and vertical sections, precise construction method of opening and cill details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 4) No works shall take place until details of the colour finish of the windows hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Appeal B: Ref: APP/F1040/W/16/3158232

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the location plan, details, photographs, and appendices accompanying the application and dated 9 May 2016.
- 3) Notwithstanding condition No 2 above no development shall take place until large scale drawings to a minimum Scale of 1:10 of the replacement windows, including horizontal and vertical sections, precise construction method of opening and cill details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the colour finish of the windows hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.