
Appeal Decisions

Site visit made on 7 December 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 30 January 2017

Appeal A Ref: APP/C1625/Y/16/3156999

Shetlands, Far End, Sheepscombe, Stroud, Glos GL6 7RL

- 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 and Mrs Toby Roberts against the decision of Stroud District Council.
 - The application Ref 16/0829/LBC, dated 14 April 2016, was refused by notice dated 9 June 2016.
 - The works proposed are to install 12mm thick Slimline gas filled double glazing to replace single glazing in approved window frames.
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Appeal B Ref: APP/C1625/Y/16/3157025

Shetlands, Far End, Sheepscombe, Stroud, Glos GL6 7RL

- 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 and Mrs Toby Roberts against the decision of Stroud District Council.
 - The application Ref 16/0830/LBC, dated 14 April 2016, was refused by notice dated 9 June 2016.
 - The works proposed are to install a single conservation roof light.
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Procedural matters

1. Appeal A: "Slimline" is a trade name, so I have referred to the proposed double glazing by its generic name, insulated glass units (IGUs). I have referred to the individual window openings within a numbered window as "lights".
2. These appeals are to be assessed under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 only and there is no requirement for me to have regard to the development plan policies.

Decisions

3. Appeal A: The appeal is dismissed.
4. Appeal B: The appeal is allowed and listed building consent is granted for a single conservation roof light at Shetlands, Far End, Sheepscombe, Stroud, Glos GL6 7RL in accordance with the terms of the application Ref 16/0830/LBC dated 14 April 2016 subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Roof Light plan 1999.29, Conservation roof light details as attached to the Heritage/Design and Access Statement.

Main Issues

5. Appeal A: The main issue is whether the replacement of the lights in windows WL01, WL06, WL07, WG01, WG05, WG06, WG07 and WF03 (which are the windows within the historic core of the building) with metal framed single glazed opening or fixed lights has been approved and if so, whether the replacement of the single glazing with 12mm thick insulated glass units would preserve the listed building.
6. Appeal B: The main issue is whether the proposed conservation roof light would preserve the listed building, its setting or any features of special architectural or historic interest which the building possesses.

Appeal A:

7. The refurbishment of this Grade 2 listed cottage was approved under the terms of listed building consent ref S.14/2166/LBC, on 11 November 2014. A further listed building consent, S.15/0478/LBC was granted on 13 April 2015, modifying the scheme. However, this did not change the proposal in relation to the treatment of the windows. The approved plans¹ clearly show that windows WL01, WL06, WL07, WG01, WG05, WG06, WG07 and WF03 were to be retained, as shown on plan 18C. Windows WF01, WG11 (WG02) and WL09 are marked as new double glazed metal conservation style windows.
8. The appellants make the case that the replacement of all the windows within the old part of the building has been agreed through the discharge of the conditions. The Council, in its reason for refusal, states that the removal of windows WF03, WG06, WG07 and WL06 would harm the special interest of the listed building. There is clearly a difference of view as to what approvals have been given.
9. Condition 3 of the listed building consent required that prior to the commencement of any works for which consent is hereby given, details of all the new windows and doors (my underlining), including a sample of the proposed glazing materials in the new extension shall be submitted to and approved by the local planning authority. The appellants applied for the discharge of that condition on 1 June 2015, ref 15/1309/DISCON.
10. Submitted with that application was plan 18G (Building Regulations – elevations). This was not approved under the original consent. This drawing gave window numbers to all the windows, but there were now only two annotations referring to windows, one to WF03, which states that the window would be refurbished with new secondary glazing and one to window WL07, which states “existing window” with stone surround exposed. The other windows have no annotations. This plan does not therefore supersede the approved plan 18C with respect to the principle of retaining the other windows.
11. That said, the notice of discharge of conditions, with reference to condition 3, states: “Existing building: refurbished and retained window photos: as per

¹ 19, 20A, 15B, 11E, 14B, and 18C

details on 1999:21B” and “Replacement window details: as per drawings 1999:21C and Window Schedule”. Plan 21B has not been included in the approved documents furnished to me by the Council, nor can it be seen on the Council’s website, so this may be an error. Plan 21C shows an elevation and sections for each window and typical details for opening and fixed lights, with single glazing. Plan 28 shows the same, but with IGUs. Only WG06 is shown to be retained, with the stay from WL06 relocated on that window, so with reference to WF03, there is a conflict with 18G.

12. However, with reference to windows originally shown to be retained, the deletion of any reference to their retention on 18G does not modify or override the approved plans, nor can plan 21C or the Window Schedule modify the original consent, as condition 3 referred specifically to new windows.
13. I therefore cannot conclude that listed building consent for the removal of the existing windows WL01, WL06, WL07, WG01, WG05, WG06, WG07 and WF03 and their replacement with single glazed metal framed windows has been granted.
14. It is evident that the appellants are seeking approval for the replacement of all the windows, with the exception of WG06, with metal frames, fixed and opening, with IGU’s. However, this would require an individual assessment of each window (and within those windows, each separate light). This would be a materially different proposal and cannot be dealt with under the terms of this appeal.
15. Given this conclusion on the first part of the main issue, is it not necessary to consider the second part. I therefore conclude that the appeal should fail.

Appeal B

16. The roof of the cottage is set at right angles to the road, which is at a higher level. Council describes the east roof slope of the cottage as a natural expanse of unbroken roof slope. However, the roof of the new rear extension, which was under construction at the time of my visit, intersects with this roof slope. Although the proposed roof light would be visible from the higher road level, it would be reasonably small and would be set flush with the stone roof tiles. It would have traditional black metal frames with a single subdivision. I do not find that this roof light would be an obtrusive or discordant feature on this altered roof slope.
17. I therefore conclude that the proposed roof light would preserve the listed building as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
18. For the reasons given above I conclude that the Appeal B should succeed.

Jacqueline Wilkinson

INSPECTOR