
Appeal Decisions

Site visit made on 1 June 2017

by Simon N Hand MA

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

Decision date: 19 June 2017

Appeal A: APP/C1625/F/16/3159181

The Old School House, High Street, Arlingham, Gloucester, GL2 7JN

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Susan Cowburn against a listed building enforcement notice issued by Stroud District Council.
 - The enforcement notice was issued on 18 August 2016.
 - The contravention of listed building control alleged in the notice is without listed building consent, the insertion of double glazed windows within a grade II listed property.
 - The requirements of the notice are remove the new double glazed windows and restore the windows to their former condition, i.e 3 tier wooden single glazed casement windows. In accordance with the photo attached.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (c) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal B: APP/C1625/Y/17/3169070

The Old School, High Street, Arlingham, Gloucester, GL2 7JN

- 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 Susan Bragg against the decision of Stroud District Council.
 - The application Ref S.16/2052/LBC, dated 13 September 2016, was refused by notice dated 21 November 2016.
 - The works proposed are replacement windows.
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Decisions

Appeal A – 3159181 The Old School House

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal B – 3169070 The Old School

2. The appeal is dismissed and listed building consent is refused for the replacement windows.

Preliminary Matters

3. There is some confusion in the representations and on the site visit as to exactly what windows in which building are covered. The Old School House

- and the Old School are two distinct buildings, albeit joined together and both are listed. The ownership of the Old School House would seem to be in dispute, but for the purposes of this appeal I do not need to comment on that.
4. The listed building enforcement notice appeal refers to The Old School House, and specifically to the two windows on the front elevation, one at ground floor level and one above. The appeal against the refusal of the listed building application refers to The Old School and affects two windows, one at the front right (when looking from the road) and one at the rear of the property on the left when looking from the rear yard.
 5. Both buildings are somewhat dilapidated, The Old School in particular was difficult to see as there were various lorry bodies stored in front of it and a large caravan. The rear yard was overgrown with nettles. Nevertheless, it is still possible to see they are, as described in the listing, "modest architecturally but complete and a significant historical survival". The simple brickwork façade of The Old School with the large windows, modest porch and bell turret all contribute to its special architectural interest and to its significance. Because the windows are so large they are particularly prominent. The difference between the simple wooden frames of the two windows that have not been replaced and the plastic replacements is stark. The glazing bars are considerably thicker; the opening sections are built up and protrude in front of the frames which makes them appear clumsy and out of place. They are clearly made of brown plastic. This all contributes to the harm caused by the new windows. One further effect of the thicker bars is that the panes now appear to be differently sized, whereas they are clearly of a uniform size in the wooden windows as would have been the 19th Century windows following the refurbishment of the building in 1852.
 6. The Old School House is a more modest building, with just two front windows, both of which have been replaced, and both the new windows suffer from the same problems as those at The Old School. Although these two windows are smaller than at The Old School, the façade of The Old School House is correspondingly smaller and less formal. The two windows thus play an equally important part in the significance of The Old School House and its special architectural interest. For the same reasons as above, they stand out as obviously modern and clearly out of place.
 7. The appellants argue that the listed buildings have been surrounded by large modern developments that detract from their importance. The setting of the two listed buildings is confined to the front and rear yards (or garden in the case of The Old School House), as the buildings were designed to be within a built up village context. The new houses that stand to the rear of the two listed buildings are some way away and do not dominate or detract from the setting of the listed buildings at all.
 8. Other windows made of modern materials were pointed out to me, but none appeared to be in listed buildings, and the mere existence of other plastic windows nearby does not diminish the harm the appeal windows cause to the listed buildings.
 9. The new windows in both buildings seriously detract from the significance of those buildings and harm the special architectural interest of the buildings. There is a clear presumption in the Act that the preservation of the special interest of a listed building is desirable and the NPPF says that great weight

should be given to the conservation of designated heritage assets. While the harm to the listed buildings is, in NPPF terms less than substantial there would seem to be no public benefits to outweigh that harm. Consequently I shall refuse the application for listed building consent for the two windows at The Old School and dismiss ground (e) of the listed building enforcement notice appeal for The Old School House.

10. An appeal against the listed building enforcement notice has also been made on Ground (c), that listed building consent is not needed, but this is essentially the same as the ground (e) appeal and is refused for the same reasons. It is suggested within the ground (c) that The Old School House has no architectural merit, but no evidence is provided to support that claim and I do not think it was the appellant's intention to make a ground (a) appeal as well. I note there is an outstanding listed building enforcement notice directed against the windows of The Old School, but no appeal has been made against that notice and time for making such an appeal is now over. The effect of these refusals is that the listed building enforcement notice for The Old School House comes back into force and the time limit for carrying out the works begins from the date of this decision. For the Old School, the listed building enforcement notice has always been in force and the time limit for carrying out the works runs from the date of that notice.

Simon Hand

Inspector