
Appeal Decision

Site visit made on 27 June 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 1 August 2017

Appeal Ref: APP/T0355/Y/16/3167508

20 High Street, Eton, Windsor, Berkshire SL4 6AX

- 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 Simon Kelsall against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/02869, dated 5 September 2016, was refused by the Council by notice dated 31 October 2016.
 - The works proposed are four replacement Georgian windows.
-

Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and is within the Eton Conservation Area. The main issue in this appeal is the effect of the proposal on the architectural or historic significance of the listed building and its setting.
3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. Paragraph 132 of the National Planning Policy Framework states 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. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings. These duties are reflected in Policy LB2 of the Borough Local Plan which is a material consideration in this listed building consent appeal.
5. The proposal is to replace four sets of sash windows to the front elevation onto High Street. The building, with its immediate neighbour in the pair and along with other listed buildings in the row, forms part of a prominent and significant range of buildings in townscape terms. The buildings display a strong architectural presence seen from the street and numbers 20 and 21 as a pair retain a high degree of architectural and historic significance in their matching shopfronts. The windows on the first and second floor maintain this significance, albeit number 21 less so due to the previous replacement with

- sashes having non-authentic horns. The appeal property was seen to retain features of architectural and historic significance inside as well.
6. The windows in question are varied in their details, indicating as the appellant asserts that there have been some replacement work in the past, with some glazing bars being less covered by paint and more crisp in their detailing, indicating a more recent replacement. In other cases the paint layers have overlapped the glazing giving the impression of a wider glazing bar than is in fact the case. However, overall the windows retain a moderate level of evidential value, being not all original, but a high level of architectural and historic value through their largely correct form, glazing and method of operation. The glass in some panes, but not all, is 'reamy', indicating early blown cylinder glass or similar.
 7. These considerations allow a finding that the windows to number 20 contribute considerably to the significance of the building and its setting. In addition, the significance of listed buildings may reside in areas hidden from any view, so that the purely private close-up view of the inside of the windows does not diminish the weight that should be attached to the preservation of features of special architectural or historic interest under section 16(2).
 8. The Council express concern over the loss of original framing materials, but the evidence here is not conclusive as stated by the appellant, either as to how old the items are, or whether repair would be feasible. A good quality 'like-for-like' replacement may be required and could be acceptable if further exploration found the various elements of the sashes and surrounds to be beyond reasonable repair. That further investigation of options appears lacking. Certainly there are signs of the windows being in a poor state of repair with seized parts and painted-over draft-proofing
 9. The main area of concern for the Council and this appraisal however is the proposed use of double-glazed sealed units, resulting in a definite thickening of the glazing bars when compared with what a true replacement for single glazing would be. Such units would be obvious at the distance allowed on the first floor, less so on the second floor, from a pavement view, but as previously stated, that is not the only consideration in listed building preservation. The spacer would be apparent on close views as would the double reflection provided by the second pane in longer views. The proposal does retain individual small panes as the original arrangement, so there could remain the varied initial reflection that minor irregularities in line provide.
 10. Of particular concern is the enforced loss of the 'reamy' glass that sealed units would bring about. Whilst such glass is still available, it is unclear whether it can be incorporated into sealed units, and in any event, the historic glass would be lost. It is concluded that the replacement of the windows to incorporate sealed-unit double glazing would cause harm to the significance of the listed building and its setting within the Eton Conservation Area.
 11. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 12. As stated, the windows are in a poor state and this would increase heat loss and noise as compared with a well-maintained original. There is also an

inability to fully open certain parts for ventilation, although the nature of double-hung sashes is that no more than 50% ventilation can even be obtained. Nevertheless the option of opening the top only or a combination is a reasonable expectation.

13. Thermal performance can be improved significantly with overhaul or if proved necessary, authentic replacement, reducing infiltration and losses by drafts. Similarly, sound insulation can be improved with more rigorous sealing, although the additional weight of glass rather than the existence of an air gap is a major contributor to the sound performance of sealed units. Important as these considerations are as public benefits, in furthering the aims stated in the National Planning Policy Framework of reducing energy use and moving to a low-carbon future, the method must take full account of the listed building, as stated in the Historic England publications referred to by the Council.
14. The appellant refers to adverse effects achieved with secondary glazing, and hence the public benefits of achieving improved performance without that level of harm. It is the case that a mid-rail or mullion in the secondary glazing that lines with a rail in the sash would be unseen in direct frontal view, as stated by the Council, but in upper windows on narrow streets such as this, that lining-up rarely occurs and some harm results. However, the solution adopted by the appellant of a single removable inner sheet appears elegant in its fixing, temporary and reversible and indicates that sealed units and their apparent advantages are not the only solution.
15. It is the case that some reflections result, depending on the lighting conditions, with the sky reflecting off the internal sheet showing the outer glazing bars in silhouette, as shown in a photograph supplied by the appellant. However, it is clear that the Council accept the position in preference to that proposed here, and that is a balance permitted under paragraph 134 of the Framework.
16. The appellant draws attention to what are considered inconsistent decisions and damaging interventions in the conservation area. Not all buildings are listed or display the significance found at number 20, and planning and listed building decisions are often taken on balance, such as is permitted by paragraph 134. Each decision must be taken on its merits and it would not be appropriate to comment further on other previous decisions, particularly without knowing the full circumstances.
17. To conclude, the proposed replacement in the absence of further evidence of attempts to source repair, would be unacceptable and in any event, the proposal to use sealed-unit double glazing would cause harm to the significance of the listed building and its setting that is not outweighed by public benefits. The proposal is contrary to national guidance in the Framework, Historic England publications and Policy LB2 of the Local Plan, and would not satisfy the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons given above it is concluded that the appeal should fail.

S J Papworth

INSPECTOR