
Appeal Decision

Site visit made on 22 October 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 4th November 2019

Appeal Ref: APP/Y9507/Y/19/3231931

Burton Mill, Burton Park Road, Petworth, West Sussex GU28 0JR

- 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 Barry Flannaghan against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/06032/LIS, dated 23 November 2018, was refused by notice dated 9 May 2019.
 - The works proposed are replacement of all existing windows with new double-glazed units and revised frame design and reveal an obscured window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed works on the application form states: 'Planning application SDNP/16/04495/LIS gave consent to remodel one window and reveal a previously obscured window. After taking further advice the design chosen is now thought to be unsuited to this type of property. This application proposes a more appropriate window design and includes the replacement of other, now decaying, 1990s windows with the same design.'
3. The description in the appellant's appeal statement is as follows: 'Replacement of existing modern windows with a frame design sympathetic to the character of the mill and the local area.'
4. The Local Planning Authority (LPA) has given the proposed development the description in the banner heading above. The appellant considers this description is incorrect because revealing the obscured window was granted permission on 13 January 2017 under the last listed building consent detailed above. Be that as it may, the obscured window has not yet been opened up, no works have commenced on the windows generally, and consequently the present proposal is accurately reflected in the LPA's above description. In any case the last listed building consent remains extant until 12 January 2020.

Main Issue

5. The main issue is whether the proposed double-glazed windows would preserve the special architectural or historic interest of the Grade II listed mill.

Reasons

6. The appeal building is a three-storey mill house dating from 1789, originally an iron forge converted into a flour mill in the nineteenth century and restored to such by the present owner in the last two years as well as being used as his house. It is sited immediately to the north of Burton Park Road opposite Burton Mill Pond, a local beauty spot and Nature Reserve. Due to a steep decline to the north the building is only seen at two storey height from the road. The elevations, comprised of coursed malmstone with red brick dressings and quoins, essentially each contain three windows in the top two storeys.
7. The windows are an important element of the historic and architectural character of the former industrial building despite it having been converted into a dwelling in the early 1990s. Indeed, the current owners have been successful in restoring its historic use as a flour mill. It still looks like a mill despite the double-glazed flush-faced 1990s modern windows, which the LPA point out do not benefit from listed building consent and are therefore unauthorised, apart possibly from one window on the second floor. The existing windows do not therefore constitute a 'fall-back' despite the fact they have been there for at least 20 years. There is obviously no objection to their removal and replacement in principle.
8. The appellant and LPA agree that the proposed six pane windows in three vertical sections, with two outer casements and one fixed centre section all inset from the front face of the building by 50mm, would replicate the original design of the mill's windows. But the LPA objects to their double-glazed design.
9. I agree double-glazed windows would be inappropriate because the design of the proposed windows would simply replace one inappropriate window design with another for the following reasons. The double-glazed units would be 14-16mm thick, which would necessitate thicker frames and glazing bars than if the windows were single-glazed. They would require a noticeable perimeter seal between the edges of the two panes of glass, as per the existing unauthorised windows. Likewise, the thicker window frames would reduce the amount of glass per area of frame, which would be particularly apparent with the traditional small pane design rightly being proposed here. It is also undoubtedly the case that double glazing reflects the light differently to single glazing (because of its double reflection), which attracts the eye, as is the case with the current windows.
10. These unfortunate drawbacks of the proposed double-glazed windows would give them a suburban residential appearance very much at odds with the overall character and appearance of this industrial building. They would be amplified because of their repeated occurrence across the multiple narrow lights in the proposed windows. I note that these were the conclusions arrived at by the Inspector in respect of another Grade II listed mill building within the National Park in November 2017¹. Whilst I am unfamiliar with that building, there are clearly parallels here in terms of the likely harmful effects on the industrial heritage and character of such mill buildings. I am also conscious that the site lies immediately next to the Burton Mill Pond public car park, a well visited site, and that the principal east and west elevations of the buildings are prominent from the road. It is important that such a prominent building in

¹ APP/Y9507/Y/17/3177736

- a local beauty spot should be properly restored to reflect its original historic architectural character and appearance.
11. For these reasons I consider the double-glazed units being proposed here would fail to match the historical and architectural character of the building. Since the fenestration is an important physical and visual component of the mill, the proposed windows would harm its significance as a listed building.
 12. The LPA acknowledge that the harm would be 'less than substantial' in terms of paragraph 196 of the National Planning Policy Framework (NPPF). Such harm must be weighed against the public benefits of the proposal including securing the listed building's optimum viable use. The building has been used as a dwelling since the 1990s, albeit that the appellant has also commendably restored its historic use as a (from time to time) working flour mill. There is no suggestion that its viable optimum use has not been secured – plainly it has. This would continue to be the case if single-glazed windows were installed instead of the proposed double-glazed ones.
 13. The double-glazed windows would undoubtedly secure less heat loss from the building than single-glazed ones and this would be a public benefit because it would minimise CO² emissions from the building's heating appliances and consequently lessen the impact on climate change. But this effect would be very minimal in terms of the overall impact on climate change and could be minimised still further by the use of more thermally efficient glass, such as the HistoGlass Mono range as suggested by the LPA. For these reasons I conclude that the harm to the significance of the listed building would outweigh the benefits in terms of better thermal performance.
 14. I am required by statute to have special regard to the desirability of preserving the listed building.² The Environment Act 1995 requires the conservation and enhancement of the natural beauty, wildlife and cultural heritage of National Parks. NPPF paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that great weight should be given to assets' conservation even if there is only 'less than substantial' harm, and paragraph 194 states that any harm requires clear and convincing justification.
 15. The South Downs Local Plan (LP) was adopted on 2 July 2019. Policy SD5 requires new development to be locally distinctive and utilise appropriate and sympathetic materials. Policy SD12 states that development proposals must safeguard heritage assets. Policy SD13, which sets out more detailed criteria for listed buildings, requires proposals to preserve and enhance the significance of such buildings and applies the statutory and NPPF tests.
 16. For the reasons set out above the proposal would fail to comply with the statutory tests, the NPPF and the above Policies in the LP. Consequently, I conclude that the appeal should fail.

Nick Fagan

INSPECTOR

² S16(2) Planning (Listed Buildings and Conservation Areas) Act 1990