



Appeal Decision

Site visit made on 29 October 2019

**by David L Morgan BA (Hist) MA (T&CP) MA IoAAS (Build Con) MRTPI
IHBC**

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

Decision date: 12 November 2019

Appeal Ref: APP/J0405/Y/19/3230925

30 High Street, Buckingham, Bucks MK18 1NU

- 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 Paul Montgomery against the decision of Aylesbury Vale District Council.
 - The application Ref 18/02932/ALB, dated 1st August 2018, was refused by notice dated 4 January 2019.
 - The works proposed are replace two damaged/inoperative rear bedroom windows part of an assumed 1970s extension to a Grade II listed building.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are a) whether the proposed works would preserve the Grade II listed building known as 30 High Street (listed as High Street (North West side) Nos 27-30 (Consecutive)) or any features of special architectural or historic interest it possesses and b) whether they would preserve the character or appearance of the Buckingham Conservation Area.

Reasons

Significance

3. The appeal property comprises one of a row of dwellings, set back from the main thoroughfare close to the centre of the historic market town. The house is listed as part of a terrace and is indicated as forming part of a group¹. The appeal building also lies within the boundary of the Buckingham Conservation Area. The list description indicates a date of late C15/early C16 origin, though also notes phases of subsequent alteration in the early C19 and C20s. Such an early date for the main structure is borne-out by a study of the timber-framing and first floor jetty-work on the front elevation. Each of these are hallmarks of urban vernacular architecture of the area in the late Medieval period. This assessment is supported by the range of surviving structural timber inside the group, some of which was evident within the ground floor of No 30. Subsequent alterations to the structure have by-and-large added to its charm and interest, the windows on the front elevation, be they horizontal sliding

¹ This indicated by the acronym GV II below the address of the list description.

sashes from the early C19, or the later more mannered casements from the early C20, all add an evolved interest to the street-facing elevation.

4. The rear elevations have been subject to both alteration and extension, not all of it sympathetic. The appeal building has been both remodelled (see below) and extended in the past by means of a rear wing and single storey extension, the latter including modern glazing detail.
5. The two sash windows the subject of the appeal are located in the first floor of the rear wing, one in its gable and the other in the flank elevation. The Appellant has questioned whether these two windows are of any great age (it is suggested they may be contemporary with a 1970s build-date for the rear wing). However, by my interpretation they may both be confidently attributed an early C19 date. Their fabrication, glazing bar profile (a lamb's tongue or Brocken lamb's tongue type) are readily identifiable from this time. Moreover, their irregular patina and the glass in the gable window at least, when viewed from the rear garden, displays irregularities consistent with pre-industrial glass production.
6. It is the case however that the rear wing has undergone extensive repair and remodelling. The exterior render is both smooth and hard, whilst it is evident that its roof structure is entirely new. This may lend some initial credence to the Appellant's view (in addition to the identification of modern blockwork within the building) of a more recent date for its construction.
7. However, the pitch of the roof and resultant angle of the gable look convincingly steep (an indicator of historic roof cladding tolerances) and again, from an inspection of the roof void it is apparent that the standing gable is constructed of a soft handmade brick bedded in what looked like lime mortar. All this evidence suggests that the existing window fixtures do date from the early C19 and are coeval with the standing structure of the wing. Thus, whilst the significance of the asset is most evidently expressed in its late Medieval structural timber framing, it is also nonetheless evident in the later phases of its evolution, including that of the early C19 as anticipated in the list description.
8. It follows that such attributes of special architectural interest to the building, outwardly expressed, also contribute to the character and appearance of the Buckingham Conservation Area and indeed to the other buildings of which the appeal building forms a group.

Proposed works

9. The proposal is to replace the existing windows in their entirety with opening double-glazed units. These units would comprise timber frames accommodating sealed units with sandwiched interior dividers and applied glazing bar profiles to the interior and exterior of each unit. The purpose behind the proposed replacement is that the existing windows are difficult to maintain and that at present the existing gable window provides a sub-standard means of escape to occupants in the event of fire. The existing fixtures have secondary glazing units applied and there appears no suggestion that their thermal properties are deficient. The supporting letter (Appendix B) also suggests that 'Both windows are beyond repair and the only solution is to construct new windows'. However, there is no detailed analysis of the extent of the disrepair of any specific identification of rot or decay in either. Whilst the flank window shows signs of

degradation to the paintwork, there are on obvious signs that the fabric of the windows are failing, certainly not to the degree that the 'only solution' is complete replacement.

Effect on significance

10. The complete loss of these two pieces of historic window carpentry, still retaining the integrity and authenticity of their initial fabrication, elegant detail, subtle patina and irregular glazing would result in the discernible erosion of the special architectural interest of the building, so failing to preserve it. Moreover, whilst the replacement windows proposed are described as 'Heritage units' the frames of which would be fabricated of timber, these would only superficially replicate those they seek to replace. The sealed units would form a flat uniform plain of glass with the internal dividers clearly identifiable as sandwiched between the glazing. The glazing bar profiles (nibs and false puttying to the outside, the inaccurate ovolo profile within) would also be readily identifiable as applied elements. Each would be a poor substitute for the integral historic fixture. Such inappropriate replacements would compound the loss of the historic carpentry. As such they would be judged prejudicial to the special interest of the building even if, in different circumstances, the historic fixtures were deemed to be beyond reasonable repair.
11. Such an outcome would fail to preserve the special architectural interest of the listed building contrary to the clear expectations of section 16 of the Act. It would also fail to meet the requirement of paragraph 193 of the National Planning Policy Framework (the Framework) which anticipates great weight being given to the conservation of designated heritage assets.
12. Although the windows to be replaced are to the rear of the property, they can nevertheless be viewed from the surrounding context. Thus, it follows that harm being identified to the listed building, this would have a concomitant incrementally harmful effect on the character and the appearance of the Buckingham Conservation Area. Such an outcome conflicts with the expectations of section 72 of the Act that anticipates such character or appearance be preserved. There would be repeat conflict with the requirements of paragraph 193 of the Framework, and this compounds the harm previously identified.
13. The appellant points to inappropriate window replacement in adjacent properties to argue an inconsistent approach taken by the Council. In response the Council indicate that such replacements are unauthorised and may not be taken as weighing in favour of these proposals. Based on the evidence presented I have to agree with them.

Planning balance and conclusions

14. Paragraphs 195 and 196 of the Framework require the decision maker, having identified harm to a designated heritage asset, to calibrate its magnitude, before undertaking a balancing exercise of such harm against public benefit. I readily conclude that the degree of harm, in relation to both listed building and conservation area, is less than substantial. This however does not necessarily equate to less than substantial planning objection, especially where the expectations of two key sections of the Act have not been met.

15. Aside from the convenience of cleaning, maintenance and repair, the Appellant argues a replacement window in the gable would facilitate a Building Regulations-compliant secondary means of escape. Arguably such a consideration (although the Appellant themselves accept this is 'not specifically related') may be considered a public benefit. However, there appears no express requirement for such an enhanced means of escape, nor has it been established it could not be achieved through some other means (including the adaptation of the existing windows). This very much limits the weight to be apportioned such an argument, which in any case is very significantly outweighed by the identified harm and the breach of national statutory tests and policy.
16. For the reasons given above and having considered all matters raised in evidence I conclude that the appeal should fail.

David Morgan

Inspector