
Appeal Decision

Site visit made on 12 November 2019

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

37 Water Street, Lavenham CO10 9RN

- Appeals made by Mr & Mrs M King against the decisions of Babergh District Council.
 - The works/development proposed is a new window insertion.
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Appeal A: APP/D3505/Y/19/3223330

- 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 application Ref. DC/18/04380, dated 2 October 2018, was refused by notice dated 14 December 2018.
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Appeal B: APP/D3505/D/19/3223328

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref. DC/18/04379, dated 2 October 2018, was refused by notice dated 14 December 2018.
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Decisions

1. Appeal A is allowed, and listed building consent is granted for a new window insertion at 37 Water Street, Lavenham in accordance with application Ref. DC/18/04380 dated 2 October 2018 and the plans 18/207-01 & 18/207-02 submitted with them subject to the conditions in the attached Schedule.
2. Appeal B is allowed, and planning permission is granted for a new window insertion at 37 Water Street, Lavenham in accordance with the terms of the applications Ref. DC/18/04379 dated 2 October 2018 subject to the conditions in the attached Schedule.

Reasons

3. No.37 stands on the corner of Shilling Street and Water Street within Lavenham's extensive conservation area. It is listed at Grade II as a late 18th or early 19th Century two-storey brick (painted) building, with a tiled roof, and a two window range of double-hung sashes with glazing bars, in flush cased frames on the ground storey and later casements on the upper storey.
4. In 2000 planning permission and listed building consent were granted to: *extend and alter the existing building with a two storey side extension to the Shilling Street frontage, infilling the existing front entrance door on the Water Street frontage and relocating this to the side elevation on Shilling Street, replacement of existing elevation windows with painted timber double glazed frames and other internal alterations*¹.

¹ Under refs. B/01/01395 and B/01/01396/LB

5. The 2000 scheme was implemented, and I saw that the building is now rendered with different replacement timber casement windows. It follows that the significance and special interest of the listed building has changed from that at the time that it was originally listed. While I find that the size, roof, overall plan and surviving historic fabric are still important, beyond that and the general disposition of the window openings, other external features are now of much more limited significance.
6. The proposed window would be small and fairly centrally located on the first floor of the Shilling Street elevation roughly above the replacement front door. It would match the current existing windows in style, details, materials and finishes. It would introduce a new window where there was none before but otherwise would not disrupt the balance or uniformity in the pattern of surviving window positions. For these reasons, I find that it would not appreciably detract from the surviving significance of the listed building and cause little or no harm. The Conservation Area's character and appearance would be essentially unaffected.
7. Even if I were to accept that the new window might cause a very low level of less than substantial harm to the listed building, as referred to in the National Planning Policy Framework (NPPF) paragraph 196, I find that this would be outweighed by the natural light and ventilation to the first floor ensuite bathroom. In my experience this would be more reliable than a mechanical extract and of benefit to both the fabric of the listed building, through reduced condensation, and the health of the occupiers.
8. Subject to conditions, the proposal would comply with policy in chapter 16 of the NPPF and Babergh Local Plan Policies CNO6 and CNO8 which deal with proposals which would affect listed buildings and conservation areas. Similarly, there would be no conflict with Lavenham Neighbourhood Development Plan Policy D1 which expects proposals to preserve and enhance Lavenham's distinctive character. I therefore conclude that the appeals should be allowed.

Conditions

9. To retain uniformity, it is necessary to control the materials to be used in some detail. A condition that development must be carried out in accordance with the drawings, for the avoidance of doubt, is only required for the planning permission; for the listed building consent, it is enough to list the drawings in the formal decision.

Conclusions

10. For the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

David Nicholson

INSPECTOR

Schedules of Conditions

Appeal A: APP/D3505/Y/19/3223330: Listed Building Consent

1. The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.
2. Prior to the commencement of any works hereby approved, detailed large appropriately scale drawings which shall include details of materials, finishes, method of opening, glazing and colour of the new window, shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved and retained thereafter.

Appeal B: APP/D3505/D/19/3223328: Planning Permission

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the drawings/documents:
Plans – Existing, Proposed & Location Plan 18/207-01, dated Oct 2018
General Details Joinery Details 18/207-02, dated Sept 2018