



Appeal Decision

Site visit made on 10 January 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

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

Decision date: 24th January 2020

Appeal Ref: APP/W4705/Y/19/3238464

14 Goodley, Colne Road, Oakworth, Keighley BD22 7PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Ms Stacy Stewart against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 19/01071/LBC, dated 8 March 2019, was refused by notice dated 24 April 2019.
 - The works proposed are to replace rotting external doors (x2) and windows (x13).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposals upon the architectural and historic interest of the Grade II listing (known as Nos. 14, 16, 18 and 20 Goodley), and whether the proposals preserve or enhance the character and appearance of the Oakworth Conservation Area (CA).

Reasons

3. Section 16 (2) of the PLBCA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the PLBCA seeks that in relation to CA's that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA. Policy EN3 of the Bradford District Core Strategy 2017 (CS) seeks that proposals conserve and enhance the heritage significance of Bradford's Heritage Assets, and reflects the statutory duties of the PLBCA.
4. The appeal site appears to be representative of the early nineteenth century expansion of the village and is the end dwelling of a terrace of four stone dwellings that appear to date from the early nineteenth century. Nos 14-20 (even) are Grade II listed and have a functional design and appearance similar to a 'workers cottage' and this design is replicated on each of the dwellings. Each of the terraced dwellings are two storeys with a shallow pitched roof which directly fronts Colne Road and has a stone boundary wall.
5. It is acknowledged that the listed building will have a variety of both tangible and intangible elements that contribute to its significance based upon its heritage values. However, the components of the significance of the listed building relevant to this appeal derive from its historic construction and materials which contribute to its historic form and function; and a design that

relays a symmetry across the terrace which has a positive appearance within the street scene. Due to the incline of the road and topography of the area surrounding, the terrace is particularly prominent along this section of Colne Road and sits alongside the Grade II Listed Christchurch opposite and Oakworth Manor and Manor Tower. The collection of historic buildings and how they are experienced which includes the appeal site provides a positive contribution to the area. These elements reinforce the local character, appearance and distinctiveness of the area.

6. The windows proposed are referred to as 'Residence 9' which are uPVC windows that are aimed at imitating historic windows in a white textured woodgrain appearance. The submitted information shows that the windows would be double glazed with 28mm thick units. Both of the doors proposed are of a timber infill with fibreglass outer skin, in white, with the front door being vertical panelled with a small bullnose window to the top, centrally fitted; and the rear door would be half glazed with a 9 light window to the top half.
7. I acknowledge that the windows to be replaced are unlikely to be original, however they are of a suitable material, design and constructional technique which is authentic and characteristic of the period when the building was constructed. I accept that the design of uPVC replacements has become more sophisticated in recent years, however I do not agree that the use of uPVC replacements would be identical or as authentic as timber windows.
8. Whilst I note comments that the appellant believes that uPVC are 'indistinguishable from timber;' as can be seen in the brochures and plans supplied with the appeal documents, the appearance and constructional techniques of the proposed windows is noticeably different to traditional timber windows. The frames and glazing bars are significantly thicker in section to support the widely positioned double panes, and contain a large gap with silver spacer strip between the glazing which accentuates the reflectiveness of these uPVC units against the more matt and thin, uneven finish and appearance of a traditionally glazed window. Typically, uPVC windows maintain a perfect uniformed and manufactured finish with a 'woodgrain effect' that lacks the finesse and craftsmanship of a traditionally constructed timber window which ages over time. As such, it would be readily apparent that proposed windows would be modern uPVC replacements. This is also applicable to the doors where a fibreglass woodgrain effect finish would lack the authenticity and craftsmanship of a timber door which ages over time.
9. Despite this, the appropriateness of a window or a door is not solely related to the visual appearance, but the authenticity of building materials and local vernacular and how this relates to the heritage values of this particular building, the buildings surrounding, as well as the character and appearance of the broader CA. In this particular location the appeal site is experienced amongst a group of historic buildings and part of the wider terrace at this prominent location along Colne Road where the built form and historic materials, layout and design reinforce the local identity and are positive contributions to the character and appearance of the CA. The use of non-traditional products would distract and be a discordant addition in an area which provides a positive contribution and prominent view within the CA.
10. I note comments from the Appellant that in their opinion this type of window would be maintenance free, and better than a timber window in terms of

security, energy saving, and thermal efficiency. However, I have not been presented with substantive evidence to suggest that the proposed uPVC windows would significantly outperform well installed and maintained double glazed timber windows which would also meet current building, energy efficiency, security and fire safety regulations. The same argument is also present to the proposed doors, whereby robust and well maintained timber doors also have appropriate security and building regulations support with regards to fire safety, energy efficiency, security and thermal performance.

11. I appreciate that the window brochure provided from the manufacturer makes statements such as '*has proudly been approved for use in many Conservation Areas, Article 4 sites and Listed Buildings.*' I also acknowledge the number of listed buildings presented in the Design and Access Statement where 'Residence 9' windows have been installed. Whilst this may be the case, I am not aware that these windows have any type of official accreditation or approval or that they would be acceptable in every CA and in every circumstance where a window replacement for a historic building is sought. Whilst I have not been presented with the circumstances of how each of these buildings gained approval for uPVC windows, it is clear that in relation to this particular CA and this Listed Building that in these circumstances the use of timber is a key component of its significance and how the building is experienced within the conservation area.
12. Overall, the placement of windows and doors in the style proposed would fail to preserve the architectural and historic interest of the dwelling; and would fail to preserve or enhance the character and appearance of the CA, as required by Sections 16 and 72 of the PLBCA. Paragraph 193 of the National Planning Policy Framework (the Framework) also requires that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
13. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The public benefits of the scheme were not specifically outlined in the appeal documents, however there is reference to the reinstatement of a more authentic type of glazing bar arrangement than the current window which appears to be a later replacement. I also note comments regarding the benefits of the proposed windows as a result of their energy saving, thermal efficiency and security and also comments from interested parties with regards to energy efficiency and modern technology. I note that similar benefits could also be achieved via a more appropriate and authentic replacement.
15. I also note comments from an interested party who supports the proposals and reflects comments from the appellant. I also acknowledge that the appellant has spent a great deal of time and money on improving their property such as the repair of the boundary wall; restoration of an iron gate; the removal of concrete paving slabs and exposing original Yorkshire flagstones; removing

inappropriate pointing, and trying to balance the needs to make the building a family home. I also agree to an extent that the investment and general upkeep of the dwelling has been positive for the area and for the historic building. Whilst I acknowledge that the improvement of the housing stock would be a public benefit, this would not be sufficient to balance against the harm that would arise from the proposed works. Specifically, that in respect of the special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, and that of the character and appearance of the CA.

16. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm and the development does not accord with the Framework. I therefore conclude that the proposal fails to preserve the special architectural and historic interest of the Grade II listed building and the wider character and appearance of the CA, which I am required to have special regard and pay special attention by the PLBCA. It follows that the proposal would fail to comply with national policy outlined in the Framework and with policy EN3 of the CS which seeks that proposals conserve and enhance the heritage significance of Bradford's Heritage Assets, specifically the nationally important industrial heritage relating to the textile industry, such as associated housing.

Other Matters

17. I note comments with regards to a number of enforcement appeals where retrospective uPVC windows were granted¹. One of the appeals involved an enforcement over the placement of a number of windows, some being in a more modern 1977 extension and 2 windows and a door in an eighteenth century cottage. In this case the Inspector gave flexibility to the installation of slimmer uPVC windows to the 1977 component of the building and upheld the enforcement notice and required the removal of the installed uPVC windows to the eighteenth century component of the historic building. As such the considerations of this enforcement case are not analogous to this appeal decision.
18. Another enforcement appeal cited by the appellant relates to the retention of a uPVC conservatory and uPVC windows to the rear of a property. The works were installed within a modern extension and were considered by the Inspector to be appropriate given their slender frames, however it is noted that the Inspector upheld the enforcement notice for the conservatory which consisted of thicker glazing units. I do not find this particular enforcement appeal analogous to the appeal site given that the appeal concerns the historic building, rather than a newer extension.
19. I also note comments regarding an enforcement appeal at 10 Springfield Street Blackburn, where the retrospective installation of uPVC windows was allowed.² In this case, the Inspector noted that the contribution of the listed buildings was their group value and its relationship to the entrance of a park, and that *'having timber sash windows is not, however, essential to its significance.'* This is however not analogous to the appeal site, as identified above where significance does in this case derive from the building's historic construction and materials which in-turn contributes to its historic form and function; and a

¹ Appeal Refs: APP/L2630/F/12/2181864, APP/L2630/F/12/2181848, APP/L2630/F/12/2181856, Dated 14 May 2013

² Appeal Ref: APP/M2372/Y/15/3134591, Dated 9 March 2016

design that relays a symmetry across the terrace which has a positive appearance within the street scene. As such the submitted example is not analogous and does not provide adequate justification for the proposed works.

20. Another enforcement appeal against the retrospective placement of rear windows is also submitted with the appeal which concerned a grade II* hotel in Eastbourne³. In this decision, part of the enforcement notice was quashed as the Council could not demonstrate the appearance of what the acceptable timber windows to the building should be. This does not indicate that the windows were acceptable as an enforcement appeal is required to meet different tests to a S20 appeal. The Inspector also notes that *'nevertheless, the inclusion of the remainder of the UPVC windows has contributed to the overall historic deterioration of this elevation of the building and they appear clumsy and inappropriate.'* As such, I do not consider the considerations regarding this enforcement appeal analogous to the appeal site.
21. I also note commentary within the appeal documents regarding a number of unauthorised works to the terrace, including the appeal property. The parties dispute whether the existing windows and other works on the terrace are authorised. Regardless of the lawfulness of these alterations, as I do not consider the proposal to be an acceptable alternative, as such the matter carries no weight in favour of the proposal.

Conclusion

22. In conclusion, and on the basis of what I saw on my site visit and the evidence before me, the proposal would cause less than substantial harm to the architectural and historic interest of the Grade II listed building, and would not preserve the features of special architectural or historic interest which they possess (as required by s16 of the PLBCA) or the character and appearance of the CA (as required by s72 of the PLBCA) which in both cases requires special regard to be paid. The benefits put forward for the proposal would not outweigh the harm caused when the scheme is considered against the PLBCA, the Framework and Development Plan policy.
23. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR

³ Appeal Ref: APP/T1410/F/12/2188806, Dated 24 March 2014