
Appeal Decision

Site visit made on 6 January 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/N2535/Y/19/3232528

Rothwell House, Beckside, Rothwell, Market Rasen LN7 6BD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Martin Flynn against the decision of West Lindsey District Council.
 - Listed building consent Ref 139139 was granted on 1 May 2019 subject to conditions.
 - The works proposed are replacement of 4 no. unauthorised windows.
 - The condition in dispute is No 4 which states that:
'Notwithstanding the plans and details submitted with this application (Drawing reference numbers RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05 and RO/WH/MF/13 which all show double glazed units shall be omitted) all new windows must be single glazed and match exactly in all respects the existing historic windows to include exactly matching glazing bar detail and the use of an appropriate period style glass'.
 - The reason for the condition is:
'To ensure the development safeguards the desirability and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.'
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Decision

1. The appeal is allowed and the listed building consent Ref 139139 for replacement of 4 no. unauthorised windows granted on 1 May 2019 by the West Lindsey District Council is varied by deleting condition No 4 and inserting a new condition as follows:

4. The works to which this consent relates shall be carried out in accordance with plans RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05, RO/WH/MF/13 and RO/WH/MF/14, except where differing details are agreed in writing by the Local Planning Authority in accordance with conditions 2 and 3.

Background and Main Issue

2. Listed building consent was applied for in March 2019 for the replacement of 4 windows at Rothwell House, a Grade II listed building. Consent was granted for such works in May of the same year by the Local Planning Authority, subject to a number of conditions. Condition 4 aimed to ensure that the replacement windows being allowed were single glazed units that would match 'existing historic windows', and was imposed to ensure that the works safeguarded the desirability and setting of the listed building. The appellant considers that the condition is imprecise, unreasonable, and unnecessary.
3. The main issue in this case therefore is whether the condition is necessary and reasonable to preserve the listed building and any features of architectural or historic interest it possesses.

Reasons

4. Rothwell is a small village centred around the junction of Caistor Road and Beckside. Rothwell House is located on the southern fringes of the village . The property (listed as Rothwell Farmhouse) is an early to later 19th century 3 storey painted brick property with a slate roof. The façade of the buildings has three bays, with a central doorway flanked by pilasters and overlight set between 2 square tripartite bay windows. The first and second floors have narrow central windows with tripartite windows set either side. The second-floor windows are of a lesser height than the first-floor windows, and also lack the projecting lintels that the first-floor flanking windows possess. Bands are set between the floors, and the eaves to the slate roof are modillioned. A large modern flat roofed extension is attached to the southern gable of the house.
5. A range of ancillary buildings and a courtyard lie to the north of Rothwell House, where access to the property is also gained from Beckside. The house itself looks over a grassed and treed front garden, which is well screened from Beckside. Evidence shows that historically access would have been made to the property from directly in front of the house, with a large turning circle included fed from a single point of access.
6. Consent 139139 permits the replacement of 4 windows, with 2 on the façade and 2 on the left (north) gable. Three of the windows are made from uPVC plastic, with one an aluminium window, and the appellant seeks to replace them with double glazed timber units.
7. Evidence from the appellant notes that they purchased Rothwell House in April 2018, with a visit prior to this occurring in April 2017 with the Council, where it was confirmed that a number of windows in the property had been installed without consent. Consent 139139 concerns the most incongruous windows in the view of the appellant. From my site visit I concur that the identified windows are incongruous and cause harm to the special interest of the listed building, both in their material and appearance.
8. It is not clear when the windows in question were installed. The Council note that uPVC windows were only introduced in the late 1970s and their presence is not noted in the revised listing, from 1984, which notes that the windows at first floor level are 19th century tripartite ones. They also consider that they could take enforcement action back to the original date of listing in 1966, referring to Section 38 of the Planning (Listed Buildings & Conservation Areas) Act 1990. I appreciate in this respect that the Council have worked with the appellant both prior to and since they have purchased the property. However, it is also clear that the installation of the windows in question was not carried out by the appellant or current owner of the house and listings are not infallible.
9. Plans are provided of the new proposed windows. Aside from the double glazing aspect, these virtually replicate older 'template' windows at the property in all design features, and I note that the Council acknowledge that they would be of a similar design, 'fairly accurately copying most of the frame'. They raise concerns over the window beading, as opposed to the use of putty. While I appreciate that this has the capacity to look different, if appropriately detailed then I consider that they could have an appearance not appreciably different to painted putty. In terms of weights, the appellant notes that the use

of lead as opposed to cast iron allows for a weight of the same size to be utilised for heavier glass.

10. Historic England guidance¹ states that where a window that diminishes the significance of the building, such as a uPVC window is to be replaced the new window should be designed to be in keeping with the period and architectural style of the building, and that it may be possible to base the design on windows that survive elsewhere in the building. The same guidance also states that double glazing could be considered where a historic window retains no significant glass, and has sufficiently deep glazing rebates and is robust enough to accommodate the increased thickness and weight of insulating glass units without significant alteration (for example, late Victorian or Edwardian 'one-over-one' sash window or a simple casement), or where an existing replacement window of sympathetic design is to be retained and is capable of accommodating insulating glass units.
11. Historic windows are often of considerable importance to the significance of the listed buildings and windows on principal elevations often make a greater contribution to the significance of the listed building than windows elsewhere. However, in this case such historic windows no longer exist, and given the plans submitted, it appears to me that the only potential noticeable difference visually between the proposed replacement windows and their historic 'template' windows would be the double glazing proposed. My attention is drawn to a previous appeal decision (on a different site) where the Inspector considered the visual effect of double glazing, and I acknowledge that this thickness of glazing and seal could affect light patterns in different ways and under certain conditions make them appear slightly different to how the original windows would have looked. However, there can be no doubt that the proposed windows would be far superior to those in place at present and that the proposed windows in their form submitted would preserve the listed building and any features of architectural or historic interest it possesses. While the new windows would not match those in the listing (where listed), nor would a replacement single glazed unit be authentic, even if historic glass were to be used.
12. The Council raise concerns over the precedent that the proposal may create, given that the windows in question number only 4 of some 22 windows in total. I sincerely appreciate such concerns in this case. However, other windows at the property appear historic which is a different matter to that before me. Any proposed replacement of those windows would need to be considered on their own merits and the current nature of the other and existing windows would be a clear consideration in such a process. While noting and acknowledging Council comments over enforcement action, the 4 windows in this case were clearly not installed by the appellant.
13. My attention is also drawn to a further appeal decision in Bath. I note that the case in Bath relates to a property which forms part of a long terrace of properties where the proposal would harm the uniformity of the terrace and further note that each case should be considered on its own merits.
14. I therefore conclude that the condition is not necessary and reasonable to preserve the listed building and any features of architectural or historic interest it possesses. I do note however that an additional plan containing window

¹ Traditional Windows: Their Care, Repair and Upgrading, Historic England, 2017.

section comparisons has been submitted as part of the appeal and has been referred to by the Council. Furthermore, the existing condition 4 refers to plans that also refer to window design. I consider that a new condition to refer to such plans would be necessary and reasonable. Accordingly, I allow the appeal and vary listed building consent Ref 139139 by deleting condition No 4 and inserting a new condition referring to the submitted plans, except where these may be superseded by the results of other conditions.

Jon Hockley

INSPECTOR