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# Appeal Decision

Site visit made on 20 January 2020

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 February 2020**

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**Appeal Ref: APP/C1570/Y/19/3239922**

**4 The Square, Cambridge Road, Ugley CM22 6HR**

- 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 Mrs Sarah Lynch against the decision of Uttlesford District Council.
  - The application Ref UTT/19/1310/LB, dated 2 June 2019, was refused by notice dated 2 August 2019.
  - The works proposed are the replacement of 4 windows with like for like European pine softwood timber, clear double glazed glass, cottage Georgian, frame colour white rear bedroom window w1405 x h1245, front bedroom window w1425 x h1040, front bedroom window w1115 h 1245, front lounge window w1825 x h1340.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. As the proposed works relate to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Main Issue

3. The main issue is whether the proposed works would preserve the grade II listed building, whose statutory address is 3, 4 and 5 Cambridge Road, and any features of special architectural or historic interest that it possesses.

## Reasons

### *Special interest and significance*

4. No 4 is in the middle of a terrace of three, mid-C19 cottages forming an informal square, with to one side the Old Post House, a grade II mid-C19 part timber-framed house, and to the other, Nos 6 and 7, a pair of cottages with some exposed timber framing, also listed grade II.
  5. The front elevation of the terrace is distinguished by the shifting tone of the broad textures which extend across it; the brick base, the tile hung upper floor, and the clay roof, and the prominence this gives the openings within it. The roofscape is elaborate, with tall, paired chimneys and a part-gable over the front bay at one side, with a timber gablet, a form repeated on the opposite end, this asymmetry balanced by a pair of engaged dormers under a returning, higher ridge behind.
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6. There is a unity in the arrangement and detailing of the openings in the building, for instance the paired dormers, the reflected openings of Nos 3 and 4, and the double headered arch repeated over each of the ground floor front windows.
7. I appreciate that some of the windows within these openings appear not to be original, and I saw in the ground floor openings at the back of No 4 a plastic door and window. There is also some inconsistency in the detailing across the windows at the front. However, the windows are distinctive for their slender glazing bars holding what appear single panes of glass in slender stiles and timber frames. I acknowledge the shortcomings in consistency across the windows, however, their combined contribution to the special architectural interest of the whole building continues to be substantial, and they retain some historic material, discussed below, which adds to the significance of the building.

*The proposed works and their effect*

8. Rear elevation, bedroom window: This appears to have timber stiles and rails with simply sectioned glazing bars which show some signs of rot, holding single panes of glass. However, the opening is divided into three by stout, splayed mullions, heads and jambs, with the heads of pegs or bolts on the external face at their joints, with the casement restrained by what appears to be a delicate metal frame. The window beside it appears similar.
9. The removal of this window would result in the loss of historic fabric, most notably the distinctive splayed joinery and the metal framing. I saw that some of the timber has rotted, however, there is no substantive evidence to suggest that its total replacement is necessary in terms of repair and maintenance. From what I could see, the careful, selective replacement of a limited section of the timber rails and some limited patch repairs of the glazing bars would arrest its deterioration. In these circumstances, the loss of this window would deplete the listed building of historic material of significant architectural and historic interest.
10. Front elevation windows: The windows in the front elevation of No 4 lack the distinctive splayed joinery in the back bedroom window. They appear to be late C20 replacement windows which limits their historic significance. Nonetheless, they share a delicacy in the framing around their single panes, and though the detailed arrangement of their frames and stiles differs, they reflect the architectural character of the building.
11. There is no substantive evidence of the condition of these windows to justify their complete removal. Nor are there any drawn details of them, save broad type patterns, to assess the effect of their replacements on the architectural character of the building, or indeed of the existing windows, to bear comparison.
12. I have taken into account that the front windows may be late C20 replacements, and that the appellant intends to retain internal linings. However, they still have some evidential value as windows of their time. Without any substantive condition survey to justify their replacement, their contribution to the historic significance of the building would be lost. Moreover, without detailed drawings, I cannot be certain that the replacement windows would not harm the architectural character of the building. Given their

prominence in the front elevation, I am unable to conclude other than that the proposed works would not preserve the special architectural and historic interest of the listed building.

### **Planning Balance**

13. I note the appellant's comments about replacement windows in the neighbouring houses. However, I do not have the details of those windows or the circumstances which led to their consent. I have taken the other windows of the listed building into account in determining the overall contribution which windows make to the significance of the building. In that context, on the basis of the submitted information, and given the importance of the windows in the architectural character of the building, I can only conclude that the proposed works would fail to preserve the special architectural and historic interest of the listed building, contrary to the expectations of the Act, the desirability of which is a consideration the Courts have determined is a matter of considerable importance and weight.
14. Moreover, the works would not accord with paragraph 193 of the National Planning Policy Framework (the Framework) which advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
15. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. I appreciate that the motivation of the works is to improve the thermal and sound performance of the windows and to arrest their deterioration. However, there is no evidence that alternative, more sensitive methods of improvement have been investigated, and no substantive evidence that the windows need more than limited repair and overhaul, and routine maintenance in the future. The continued use of the building is not dependent on these works as the present residential use would not cease in its absence. They do not amount to a public benefit.
16. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special architectural interest of the Grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and development plan policies insofar as relevant.

### **Conclusion**

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR