



Appeal Decision

Site visit made on 7 July 2020

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 21 July 2020

Appeal Ref: APP/X3540/F/19/3231107

Willow Farm, Chediston Green, Halesworth IP19 0BB

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is by Paul Ellis against a listed building enforcement notice issued by East Suffolk Council.
- The listed building enforcement notice, ref. ENF/2018/0330/LISTM, was issued on 17 May 2019.
- The contravention of listed building control alleged in the notice is the unauthorised removal of two single-glazed windows and their replacement with two double-glazed windows and applied glazing bars.
- The requirements of the notice are to:

Step 1: Remove the two double glazed windows with applied glazing bars situated in the first floor of the Southern gable of the Listed Building, which faces towards Chediston Green.

Step 2: Replace the two windows situated in the first floor of the southern gable of the Listed Building with single-glazed windows to match exactly those which were removed prior to the installation of the existing windows, a visual record of which is attached to the notice (Photograph 1 & 2).

Specifically the windows shall:

- Be single glazed
 - Have a single, six-pane storm proof opening casement and a six-pane fixed light
 - Be constructed of timber
 - Have a painted finish internally and externally
 - Be in the same position within the existing opening as shown on Photographs 1 & 2
 - Have internal, ovolo moulded glazing bars with a width of 22mm.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).

Preliminary matters

2. Willow Farm is a Grade II listed building. I have therefore paid special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it possesses. as required under section 16(2) of the Act.

3. The Council put forward development plan policy relating to the preservation of heritage assets. The development plan is not determinative in listed building cases. However, I have taken this policy to indicate the Council's stance on such matters.

Background

4. Willow Farm is an early 16th century timber-framed farmhouse, with predominantly painted render walls and a thatched roof. The eastern gable end is of painted brick. There is a variety of casement windows, mostly from the mid-20th century, although there appear to be some of considerably earlier date on the back elevation. The house stands some 75 metres back from Chediston Green and is largely screened from view by trees.
5. Two first floor windows on the eastern gable elevation – facing towards Chediston Green – have been replaced with double-glazed hardwood framed windows. The previous windows in place at the time of listing¹ were single glazed softwood windows each with a 6-pane fixed light and a 6-pane casement.
6. A retrospective application for listed building consent for retention of the two replacement windows was refused in 2014². The subsequent appeal was dismissed³. The Council then suggested that some form of slim-line double-glazed windows could be substituted, subject to negotiation. The appellant was not amenable to this suggestion. At the request of the Council a further application for replacement of the unauthorised windows – very much replicating the mid-20th century windows – was refused in 2019⁴ for the reasons that the proposal would fail to preserve the character and fabric of the listed building and be contrary to advice of the National Planning Policy Framework (NPPF).

The ground (e) appeal

7. This ground is that listed building consent should be granted for the unauthorised works.
8. From all that I have seen and read I consider the main issue in this appeal to be whether the unauthorised works preserve the listed building and its features of special interest.
9. The two replaced windows are of hardwood construction, each having a fixed light and an opening casement light. Each light is glazed with a 24mm double-glazed unit and divided into 6 with clip-on bars applied to both inner and outer faces of the glass with spacers between the panes. The clip-on bars are profiled to give the appearance of glazing beads for securing individual panes.
10. The replacement windows are significantly different from single glazed puttied windows. Notably, the glazing bars are not integral to the frames and the fake beads give them a bulky appearance as compared with the more refined appearance of panes set in glazing bars with putty. Looking at the windows obliquely, the black spacers between the panes are readily seen. The single plane of the double-glazed units gives a uniform reflection across the surface

¹ 19 March 1985.

² Decision notice ref. DC/14/1766/LBC, dated 4 September 2014.

³ Appeal decision ref. APP/J3530/E/2229431, dated 11 May 2015.

⁴ Decision notice ref. DC/18/4448/LBC, dated 25 March 2019.

that is quite dissimilar from the effect of multiple panes of glass individually set in their frames. The very slight variations in the setting of the latter provide faceted reflections rather than the mirror-like effect of the double-glazed units. This effect can readily be seen in the appellant's photographs 2 and 3 showing the new windows in 2015. Furthermore, the two panes of the units give a somewhat disturbing double reflection. Although secondary glazing may also give a double reflection, the installation can be read as a clearly separate building element set back from the principal glazing and having a very much subordinate effect.

11. The house itself is valuable as an example of an early 16th century farmhouse retaining much of its original form and vernacular construction. Such buildings are relatively rare, and provide an important irreplaceable record of the past. Paragraph 193 of the National Planning Policy Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. Although the majority of windows are mid-20th century replacements, they retain many features of traditional joinery, particularly in terms of moulded and rebated glazing bars jointed into the frames, and single glazed panes secured with putty. In these respects much of the character of the original windows will have been preserved.
13. I appreciate that the replacement windows imitate the general arrangement of those replaced in terms of the fixed and opening six-pane lights. However, as I have found above there are significant differences in detailing and visual effect resulting from the use of double-glazed units, applied glazing bars and spacers. I consider these have introduced incongruously modern features that are alien to the overall antique make-up of the architecture, causing significant harm to its character and appearance.
14. I conclude on the main issue that the unauthorised works fail to preserve the listed building and its features of special interest.
15. I have found that the works subject of the notice have caused significant harm to the special interest of the listed building, but this must be regarded as less than substantial harm in terms of paragraph 196 of the National Planning Policy Framework. Such harm should be weighed against the public benefits of the proposal, including securing the optimum viable use. Willow Farm is clearly in its optimum viable use as a dwelling. However, the unlawful works carried out provide no significant public benefits. I do not therefore find the harm caused by the unauthorised works to be outweighed by these factors.

Other matters

16. The appellant argues that the house is largely unseen by the public from the road. However, buildings are listed for their intrinsic architectural or historic interest. These aspects are to be protected for their own sake, irrespective of their impact on the public realm.
17. Regarding the thermal efficiency of the new windows, they will have made a marginal difference to the heat-loss of the building as a whole. Furthermore, there are other methods available for reducing heat-loss, and for reducing condensation problems. The Council's suggestions made in 2015 provide an example. Also, if secondary glazing were to be adopted, this could be designed

to avoid problems in terms of means of escape – a possible hazard put forward by the appellant.

18. Regarding the Council's refusal of the listed building consent application in 2019, I understand this was essentially a proposal to reinstate two softwood single glazed windows. Although the Officers' report to committee recommended approval, I note that the appellant himself argued against it. Nonetheless, the Council had determined to take listed building enforcement action in the event of a refusal, and it is that case I have been appointed to determine.

Conclusions

19. For the reasons given above and having regard to all other matters raised I conclude that the appeal should fail, and the listed building enforcement notice upheld.

Stephen Brown

INSPECTOR