



Appeal Decision

Site visit made on 4 August 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/T3725/Y/20/3248741

Waverley House, 70 Binswood Avenue, Leamington Spa CV32 5RY

- 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 Mr & Mrs Leith against the decision of Warwick District Council.
 - The application Ref: W/19/1253/LB, dated 24 July 2019, was refused by notice dated 4 November 2019.
 - The works proposed are proposed replacement of sash windows facing Lillington Road and Binswood Avenue.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice as it is more succinct than that shown on the application form.
3. Notwithstanding the reference in the application form to 'like-for-like replacements in terms of...thickness - box/frame', and the caption 'retention of original sashes' on illustration C1 of the appellants' statement of case, the appellants have confirmed that the proposal is to replace sash windows, while retaining the box frames. I assess the proposal as such.
4. As the proposal relates to a listed building and is in a conservation area, I have had special regard to section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issue

5. The reason for refusal does not cite harm to the character or appearance of the Leamington Spa Conservation Area (CA), in which the building is located. Nevertheless, the Planning Officer's report states that the works would not preserve or enhance the character of the CA. Furthermore, I have had special regard to the duty to pay special attention to the desirability of preserving or enhancing the character appearance of the CA.
6. Having regard to the above, the main issue is whether the proposed works would a) preserve the Grade II listed building, 'Waverley' (Ref: 1381189), or any features of special architectural or historic interest that it possesses, and b) preserve or enhance the character or appearance of the CA.

Reasons

7. The CA covers Leamington Spa town centre and residential areas beyond. From what I saw during my site visit, the CA's significance, insofar as it relates to the appeal, lies in the historic townscape which reflects Leamington Spa's evolution as a spa and railway town. This includes the architecture of grand nineteenth century houses that are located within the grid of residential avenues, which is set south of Lillington Avenue, around the Kenilworth Road axis.
8. The building is part of a row of Grade II listed residences, from even Nos 62 to 70 Binswood Avenue, which exemplifies a series of nineteenth century stuccoed villas. The building comprises a detached, two-storey Regency-style villa, which dates from around the mid-1800s. The front gable has a canted and embattled ground floor bay. The painted stucco facades of the building's front and eastern side elevations turn the corner of Binswood Avenue and Lillington Road. From the street, the low front wall of the appeal property enables a clear view of the front and eastern elevations, in which the proposed windows would be located. The corner location contributes to the building's prominence and profile.
9. The existing sash windows within these elevations have sills and chamfered surrounds. These sashes mainly have hoodmoulds with foliate stops. Together with the embattled bay, these features emphasise the windows' presence. The form and fabric of the windows attest to the historic design of the building, and consequently embody both evidential and aesthetic values.
10. As such, the building is a significant historic component of the grid of residential avenues set around the Kenilworth Road axis. The appeal windows add to the recurrence of prominent historic character elements on Binswood Avenue. This contributes to both the building's special interest and the significance of the wider CA.
11. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic legibility and intact fabric of its facades.
12. The proposal would entail replacement of the original timber sash windows within the front and eastern side elevations of the property, facing Binswood Avenue and Lillington Road. The proposed sash windows would have timber frame profiles that the appellants claim would replicate the existing windows, despite an increase from 4mm thick single-glazed panes to 11mm thick double-glazed units. The proposal would also replace secondary double glazing which has been installed in some rooms. This would remove the 'ghost shadow' and clutter of secondary frames, which distract from some of the sashes. The appellants also highlight the fact that the list description does not mention single glazing.
13. Nevertheless, the spacing between the panes, with an approximate trebling in depth of the glazed units, compared to that of the traditional panes, would reveal the modern technical fabrication. There would be a discernible contrast between the geometrically 'perfect' new sashes and older box frames. The increased thickness of the glazed units may well also change the reflectiveness of the windows, compared to the original sashes. There is not substantive detail of the type of glass in the proposed windows, to demonstrate otherwise. Furthermore, in the absence of full cross-sectional drawings, I have no

- certainty that the meeting rail, window frame and any glazing bars of the proposed windows would have the same dimensions as the original windows.
14. The loss of original sash windows would erode the historic legibility of the nineteenth century villa and lead to a loss of original fabric. This would visually jar with the traditional architecture and materials of the building. These effects on the prominently located facades of the building, within the historic grid of residential avenues, would also be discordant with the character and appearance of the CA.
 15. Therefore, I find that the proposal would fail to preserve the special interest of the listed building, and the character and appearance of the CA. I give this harm considerable importance and weight.
 16. The appellants consider that the proposal would result in 'significantly less harm' than other alterations to listed buildings, including the appeal property, at 62, 66, 68 and 70 Binswood Avenue. However, the other cases differ in that they did not entail replacement of original sash windows. This limits the extent to which they are analogous to the proposal before me. Moreover, full details of the other cases are not before me. As such, I assess this case on its own merits.
 17. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, and that this should have a clear and convincing justification. Given the extent of the changes, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
 18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
 19. The proposed works would provide improved thermal performance, with associated carbon savings. The contribution to tackling climate change would be an albeit small public benefit, bearing in mind that it only relates to a single dwelling within the context of global carbon emissions. The proposal would also entail removal of visually incongruent secondary double glazing.
 20. I observed during my site visit, at a snapshot in time, that there is an apparently steady flow of traffic along Lillington Road and Clarendon Street, and a lighter flow on Binswood Avenue. Nevertheless, the noise of passing traffic appears to be moderated inside by the substantial building's fabric, and its set-back from the road. Furthermore, the existing sash windows appear to be in generally sound condition and could be refurbished to give better control over heat loss.
 21. The proposal may improve the 'saleability' and ease of maintenance of the house, through avoiding the need to manually handle secondary glazing. However, I find that the continued viable use of the property as a dwelling is not demonstrably dependent on the proposed works. Accordingly, I find that insufficient public benefits have been identified to outweigh the harm I have identified to the heritage assets.

22. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building, and the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also conflict with Policy HE1 of the Warwick District Local Plan 2011-2029 (2017), which seeks to ensure that proposals conserve heritage assets. Furthermore, the proposal would also not accord with the Warwick District Windows in Listed Buildings & Conservation Areas Historic Building Guidance, that sash window replacement is only appropriate where beyond repair, or historically incorrectly detailed.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR