



Appeal Decision

Site Visit made on 1 December 2020

by Paul Thompson Dip TRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2020

Appeal Ref: APP/Y2810/Y/20/3251122

5 The Old Grammar School, High Street, Guilsborough, NN6 8PY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Mrs Anner Fehnert against the decision of Daventry District Council.
 - The application Ref DA/2020/0113, dated 28 January 2020, sought to vary condition No 2 of a listed building consent Ref DA/2019/0326 granted on 18 November 2019.
 - The works proposed are replacement of 8 casement windows to rear elevation to use applied rather than structural glazing bars.
 - The condition in dispute is No 2 which states that: *"The design, dimensions and painted finish of the replacement timber casement windows shall match those of the existing windows, as shown on submitted Firth UK Ltd drawing (rev 26th April). Notwithstanding the details shown on the submitted drawing, the double glazed units shall have a maximum overall thickness of 12mm and the glass panes shall sit between the glazing bars rather than as a single sheet of glass with applied bars"*.
 - The reason for the condition is: *"To ensure that all architectural details, materials and finishes are technically and visually compatible with the character and appearance of the listed building"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the proposal's description as set out on the Appeal Form as it better focusses on the works involved but omitted superfluous information that does not form part of the description of works.
3. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, they do not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. The policies referred to by the Council on the Decision Notice are therefore a material consideration only.
4. I note that there has been some discussion between the parties regarding a window sample, but this is only one approach to the design of the proposed windows. I have therefore determined the appeal on the basis of the details shown on the application drawing: Firth UK Ltd (Rev 22 Jan 2020).

Background and Main Issue

5. Listed building consent for the approved scheme¹ included the disputed planning condition, which requires departure from the details shown on the approved drawing to use individual 12mm double-glazed panes separated by structural glazing bars. However, a new consent is sought that would be subject to a condition specifying the approved drawing for the proposal, excluding the requirement to utilise structural glazing bars, to enable the use of applied glazing bars.
6. Given the reason for the condition referred to in the banner heading, the main issue is whether or not the planning condition is reasonable and necessary in order to preserve a Grade II listed building, known as 'The Old Grammar School', and any of the features of special architectural or historic interest that it possesses.

Reasons

Significance of the listed building

7. The appeal concerns The Old Grammar School, founded by John Langham of Cottesbrooke and built in 1688. The building is Grade II listed and is predominantly of two storeys, with attic and cellar rooms, and constructed of Lias ashlar, a Collyweston stone slate roof and diamond leaded mullion windows to the front and side elevations. At the rear there are flanking wings, with a central wing between, the right-hand wing lies adjacent to the access to the rear and is of greatest depth. The left-hand wing contains the former masters house, which is of single storey with attic rooms.
8. The building was altered internally and externally in the late-20th Century to form five houses, which included the replacement of the windows to the rear elevations with identical white-painted timber storm proof side- and top-opening casements, each with slender glazing bars and individual panes of glass held in place by putty. Integral garaging was also provided and the land to the rear subdivided to form individual gardens and parking areas for the houses in the building. A group of separate large detached houses were developed beyond.
9. The parties agree that the storm proof detailing and top hung opening form of the existing windows at the rear make a limited contribution to the overall significance of the listed building. Nevertheless, the coherent approach to their configuration, proportions and detailing helps to preserve the integrity of the rear elevations of the building and its wider legibility as a former school building.
10. Despite its conversion to housing and alterations to the rear windows, and the introduction of garden and parking areas and separate housing to the rear, the significance of the listed building today is derived from its architectural and historic interest, as a well-preserved example of a 17th Century former grammar school building. In particular, the contribution made by the scale of the building above Wells Lane and its attractive, elegant and imposing appearance, are befitting of its Grade II listed status.

¹ Planning Reference: DA/2019/0326.

The proposed works

11. The approved scheme allowed the replacement of existing single-glazed and timber-framed windows in eight openings to the rear and internal side elevation of the right-hand wing of the listed building. The disputed planning condition requires departure from the details shown on the approved drawing, to use 12mm double-glazed panes separated by structural glazing bars.
12. The drawing submitted with the application that is the subject of this appeal includes 12mm glazing, but these would comprise larger sheets of glass with applied glazing bars and no putty fixings. The proposed external glazing bars would be chamfered and would equate to the combined dimensions of the existing glazing bar nib and putty fixing.

Effect of the proposed works

13. Traditionally, where windows have glazing bars, these form part of the structure of the window and help to illustrate traditional window craftsmanship. While the proposed chamfered external glazing bars would be of a similar shape, they would be unlikely to convincingly replicate the profile and finish of the existing nib and puttied glazing bars and would be readily identifiable as applied elements to the face of the glazed units. The applied internal glazing bars would also be clearly discernible through and behind the glass. While the Council has approved the use of double-glazed units for the windows, the proposed glazing bars and continuous nature of the panes of the glass would emphasise the gap between the two panes of glass in each unit.
14. The resulting appearance of the proposed windows would be both historically incorrect and aesthetically unconvincing imitations of the existing glazed timber windows. They would therefore be inappropriate for use within this listed building and compound the loss of the existing carpentry. Furthermore, the alternative approach to the appearance of the proposed windows would disrupt the unity of the existing windows to the rear of the listed building, which would result in further harm to its appearance.
15. The use of superficially applied glazing bars would lack the architectural authenticity required to preserve the building. The proposed replacement glazing bars would have a significantly detrimental effect on the character and appearance of the listed building and, thereby, its understanding and significance as a heritage asset.

Public benefits and conclusions

16. The statutory duty in Section 16(2) of the Act is a matter of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also 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.

17. The proposal would be harmful to the special historic interest of the Grade II listed building, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to the significance of the listed building. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
18. I understand that some of the existing windows require repair, that some restoration work has been carried out in the past and the height of the building makes this work difficult and expensive, but it is likely that this evidence will have informed the Council's decision in relation of the approved scheme. There is no substantive evidence before me to suggest that the proposal is required to make the building habitable or sustain the heritage asset. There would also be a significant cost saving associated with the alternative approach to the design of the replacement windows, but such benefits would be largely private.
19. Taking the above together, the public benefits I have outlined above would not justify allowing works that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 193, 194 and 196 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
20. Given the above and in the absence of any substantiated public benefit, I conclude that the planning condition is reasonable and necessary in order to preserve the special historic interest of the Grade II listed building. Hence, the proposal would fail to satisfy the requirements of the Act and the design and heritage aims of Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted December 2014), policies ENV7 and EN10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (Adopted February 2020) and paragraphs 124, 127, 128, 130, 190, 192, 193, 194 and 196 of the Framework.

Conclusion

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

Paul Thompson

INSPECTOR