
Appeal Decision

Site visit made on 21 September 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2020

Appeal Ref: APP/N1730/Y/20/3249501

**Cholsley House, The Street, North Warnborough, Hook, Hampshire
RG29 1BD**

- 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 Burbage against the decision of Hart District Council.
 - The application Ref 19/02229/LBC, dated 2 October 2019, was refused by notice dated 14 November 2019.
 - The works proposed are described as 'replacement windows'.
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Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issues

2. The application for the proposed works was made on a form that sought both planning permission and listed building consent. However, it is unclear whether the Council determined the planning application. The appeal has been made on the 'Listed Building Consent Appeal Form' and therefore I have considered the proposal under s20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
3. The main issues in this appeal are: 1) Whether the proposed works would preserve the Grade II listed building known as Cholsley House or any features of special architectural interest that it possesses; and 2) Whether the proposal would preserve or enhance the character or appearance of the North Warnborough Conservation Area¹.

Reasons

4. Cholsley House was listed in 1987 and is a fine example of a predominantly 18th Century dwelling, although there is evidence of an earlier, probably 17th Century, timber frame. There have also been notable alterations in the 19th Century, including a rear wing, and a major refurbishment in the 1930s that included an extension, two bay windows, internal alterations and replacement windows. Another extension was added in around 1988.
5. Given the above, the significance/special interest of the listed building, in the context of this appeal, is the value derived from the surviving fabric that dates from several historic layers, including the 1930s. This later layer is not as important as the older elements of the building because the associated works

¹ The decision notice erroneously referred to another Conservation Area, a point addressed by the appellant.

- are not as rare, but it nevertheless provides evidence of a notable phase in the building's evolution and tells us something of the early twentieth century.
6. The windows at the appeal property are not the same, but the majority are ungalvanized steel casements that date from the early 1930s refurbishment. I have no reason to doubt the Council's research that the windows were manufactured by the Guildford Glass and Metal Works and include Smith Wallis fittings. As such, the windows are now reasonably rare and hold evidential value in their own right, especially those in the 1930s extension and bay windows. Moreover, the windows point to the 1930s layer in the development of the building and are linked to the trends and fashions of that time. This adds to their evidential and historic value.
 7. W21 is an historic timber window that was probably repositioned from elsewhere in the building. It therefore may represent the type of windows that would have been present in the building before the 1930s. It is accordingly of historic and evidential value as an indicator of how the building has evolved and what the pre 1930s windows may have looked like. The remaining non-metal windows in the rear elevation (W22 and W23) are inappropriate double-glazed fittings and one is constructed from UPVc. The windows in the 1980s extension (W6, W7 and W8) are modern timber windows of neutral effect on the building's significance.
 8. The proposal would involve the replacement of all the windows in the building. The new windows would be well-balanced casements and designed to have an appearance based on Window W21 with the same reveal depth and pattern to the lights and glazing bars. The windows would also be timber framed and could be painted white to reflect the existing finish. The appellant has explained that the proposal is an attempt to reinstate windows based on an 18th Century style. That said, the proposed windows would be heavier in appearance than the existing due to thicker frames and there would be other intrinsic and noticeable differences such as the use of safety glass and double glazing. Thus, the windows would appear as a modern interpretation of a period style.
 9. Accordingly, the windows would not be a like for like replacement and would not be of any significance. As a consequence, the existing pre 1980s windows, which are of significance, would be replaced by windows of no significance. This removal of historic fabric would harm the special interest of the listed building by seriously diluting the understanding of one of its historic layers.
 10. Some of the metal windows appear tired and are difficult to open and close. However, substantive evidence has not been provided to demonstrate they are beyond reasonable repair and the defects not caused by neglect. Historic England's guidance *Traditional Windows: their care, repair and upgrading* explains that metal windows which at first may appear to be beyond repair, perhaps due to rusting or jamming, can often be satisfactorily repaired. Accordingly, the ability to repair and restore the windows cannot be ruled out.
 11. The existing metal windows are balanced and pleasingly proportioned and therefore have some aesthetic value. A few of the windows require some care but that does not make them inherently unattractive. The replacement windows would have a similar appearance to W21 and would not therefore, harm the aesthetic appearance of the listed building. However, nor would they improve it, as they would be a clearly modern interpretation of an older style and would not have the patina of age.

12. The existing metal windows replaced earlier windows, which were likely to have been of greater historic and evidential significance. The proposed windows would be timber and have an 18th Century 'farmhouse' style. In this respect, although slimline double glazed, they would respond to the 18th Century character and appearance of the building. However, the building is not exclusively 18th Century and its layering is part of its interest and character. Seeking to return the appearance of this building to one period would diminish the ability to understand the various layers which have enriched its interest.
13. Consequently, I conclude that the proposal would seriously harm the special interest and significance of the listed building. In so doing it would fail to preserve it, contrary to the expectations of the Act. It would similarly be at odds with the expectations of Paragraphs 193 and 194 of the National Planning Policy Framework (the 'Framework'), which requires great weight to be given to the conservation of designated heritage assets.

Whether the proposal would preserve or enhance the character or appearance of the North Warnborough Conservation Area

14. The North Wanborough Conservation Area (CA) encompasses the historic linear part of the village and a network of water meadows and greens focussed on the River Whitewater. The CA therefore derives much of its significance from its landscape setting, the pattern of development and the rich mix of attractive period architecture. The appeal site is located within Character Area 4 as defined in the *North Warnborough Conservation Area Character Appraisal and Management Proposals 2009*, a key feature of which being the very varied architectural styles and materials. Historic windows are an important and authentic feature in the street scenes of the CA.
15. As the CA derives much significance from the authenticity found in its period architecture, the replacement of historic windows with modern replicas, albeit of a high quality and not unattractive style, would result in some modest harm to its significance and special interest. Such incremental changes can undermine an areas special character and appearance over time. In so doing it would fail to preserve the CA as a designated heritage asset, contrary to the expectations of the Act and Paragraphs 193 and 194 of the Framework.

Other Matters

16. Since issuing its decision the Council has adopted *The Hart Local Plan (Strategy and Sites 2016 - 2032)* (HLP), which has superseded several of the policies in the Hart District Local Plan 1996 – 2006, including Policies CON13 and CON17. Applications for listed building consent are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore development plan policies do not carry the same weight as they do when considering planning applications. Nevertheless, I note that the proposed works as a whole would be contrary to Policy NBE9 of the HLP, which seeks to conserve or enhance heritage assets.

Heritage Planning Balance

17. The serious harm to the listed building and the modest harm to the conservation area would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the

proposal. However, less than substantial harm should not necessarily be equated with a less than substantial planning objection, especially when the statutory tests in the Act have not been met.

18. The proposed windows would be an aesthetic improvement when compared to the five modern windows, but there is no need to replace the windows in the building on a wholesale basis to achieve this. As such, this is a benefit of limited weight in justifying the proposal as a whole. Similarly, the replacement windows would allow the existing unsightly secondary glazing to be removed. That said, secondary glazing is a discernible modern intervention that allows the historic windows to be retained and appreciated and therefore its removal does not justify the proposal. Although the Council has approved the removal of two historic windows that does not justify the removal of all of them.
19. Double glazing would prevent condensation and would improve the energy efficiency of the building, although the evidence before me does not quantify the extent of this benefit. These benefits would improve the comfort of future occupants and needs to be carefully considered in the context of climate change. However, even if evidence of comparative U-values had been supplied, it is unlikely this would be enough to outweigh the serious harm that would occur in this instance from removing windows that are of significance and may not be beyond repair.
20. Double glazing would lessen the impact from road noise. However, substantive evidence has not been provided to demonstrate road noise is at such a level in all of the rooms that would be served by the new windows that it necessitates attenuation in order to provide adequate living conditions. In this respect, there are other listed dwellings in the vicinity that are close to the road and single glazed. This suggests that double glazing is unnecessary in this regard.
21. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building² and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA³, I find that the serious overall harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

22. The proposal would fail to preserve the listed building and would not preserve or enhance the character or appearance of the CA. There are no other considerations or public benefits that would outweigh the cumulative harm identified. The proposal would therefore fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR

² See Sections 16(2) The Planning (Listed Buildings and Conservation Areas) Act 1990

³ See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990