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## Appeal Decision

Site visit made on 19 October 2020

**by Mike Hayden BSc DipTP MRTPI**

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

**Decision date: 03 March 2021.**

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**Appeal Ref: APP/F3545/Y/20/3253101**

**Layer Cottage, The Street, Stoke By Clare CO10 8HR**

- 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 Dr Robert Hossack against the decision of West Suffolk Council.
  - The application Ref DC/19/1827/LB, dated 3 September 2019, was refused by notice dated 3 December 2019.
  - The works are described as '*replacement windows (already installed)*'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal seeks the retention of a number of replacement timber windows at Layer Cottage, which were installed at the property between May 2017 and October 2018. The Heritage Statement (HS) refers to 10 windows having been replaced and the Conservation Officer's assessment to 16 windows. However, the appellant's appeal statement establishes that 17 windows were replaced, which I was able to identify at my site visit. Accordingly, I have determined the appeal on the basis that it seeks the retention of 17 replacement windows.
3. Photographic evidence of the original windows was provided by the parties for 11 of the windows replaced. I have taken this into account in reaching my decision, which has also been informed by my observations on site.

### Main Issue

4. The main issue in this case is the effect of the replacement windows on the special architectural and historic interest of Layer Cottage, a Grade II listed building.

### Reasons

5. Layer Cottage is a Grade II listed building within the Stoke By Clare Conservation Area. It occupies a prominent position in the Conservation Area, fronting The Street, on the main A1092 road which passes through the village. It is a C17 detached, two-storey, timber-framed and plastered house under a tiled roof, with C18 and C19 alterations, including a brick built rear extension and attic accommodation.
6. The fenestration to Layer Cottage is an important feature of the building and its heritage significance, with a total of 32 windows in the property. The statutory listing describes the windows on the front elevation of the dwelling, including a four window range of double-hung sashes with glazing bars, at first floor level,

above two 3-light square bay windows at ground floor level. Although the dwelling dates to the C17, from their design and detailing, including the flush boxing to the first floor windows and profile of the glazing bars, in their original form, these six windows can be dated to the early part of the Georgian period. Their proportions and period detailing, together with their grouping in matching pairs, most evidently contribute to the architectural interest of the building on its principal front elevation, as well as to its group value with other listed buildings in The Street and, thereby, to the character and appearance of the Conservation Area.

7. However, list descriptions are not a comprehensive or exclusive record of the special interest or significance of the building. Layer Cottage contains 26 other windows, all of which were of traditional timber fabrication and design, including Georgian and Victorian sash windows, C19 side and top hung casement windows, some with arched headers, and an unusual cross window with a metal opener, to the right hand side of the porch on the front elevation. The variety and detailing of the window designs, reflecting the different periods in the evolution of the building, make an important contribution to its historic and architectural interest.
8. The advice of Historic England (HE)<sup>1</sup> explains the important contribution that traditional windows and their glazing make to the significance of historic buildings and areas. They are an integral part of the design of older buildings, often made with materials of a higher quality than are generally available today. For these reasons, therefore, HE's advice emphasises the need for repair rather than replacement of traditional windows.
9. In this case, the photographic evidence submitted with the appeal indicates that a number of the windows in Layer Cottage were in a poor state of repair. The appellant states that he has sought to retain and repair as many of the original windows as possible, replacing only those which were considered to be beyond repair. It also appears that the contractor undertaking the work has endeavoured to match the replacement windows with the style and design of the original windows, on a like for like basis.
10. However, a comparison of the replacement windows with the photographs of the originals and with those windows which have been retained and repaired, reveals that there has been a loss of architectural detail and historic character, where windows have been replaced. Firstly, in terms of their contribution to the overall aesthetic value of the asset, the repaired windows retain an aged character and appearance, with few components completely square as frames and glazing bars have shifted with movements in the building over time, reflecting the age of the property. In contrast, the replacement windows, although designed to be like for like, have been fabricated in machined timber, with sharp angles and square joints and components, which are less sympathetic to the aged character and appearance of the property.
11. This is most evident on the front elevation, when comparing the first floor windows with the two square bay windows at ground floor level. Whilst this may be unavoidable when replacing new for old, it has resulted in a loss of historic fabric, which has caused harm to the aesthetic value of the building and, thereby, to its architectural and historic interest as an asset in its own right, and also to its contribution to the that of the group.

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<sup>1</sup> Traditional Windows: Their Care, Repair and Upgrading, Historic England, February 2017

12. Secondly, the replacement windows have been fitted with double glazed units, whereas the originals were single glazed, some with secondary glazing behind. Although slim profile units have been used, the increased depth of the glazing units has reduced the depth of the timber glazing bars, particularly on the inside where the profile is now more squat, altering the proportion of glass to timber and resulting in a less elegant, less slender appearance to the window frame, which is uncharacteristic of windows of this period. In addition, the reflective qualities of the double glazed units and the visibility of the sealed units within the frames detracts from the traditional appearance of the windows, compared to the more matt, thin and uneven finish of the glass in the retained single glazed windows.
13. I was referred to a number of other properties in Stoke by Clare and in the nearby village of Clare, where slim profile double glazed sealed units have been permitted in replacement timber windows. However, it is a core principle of the planning system that each application is determined on its own merits. Each of the buildings referred to and their window designs are different. The fact that the use of double glazed units has been judged to be acceptable elsewhere, does not set an automatic precedent for their suitability at Layer Cottage. In this case I am satisfied that their installation adds to the harm to the aesthetic value of the building.
14. Thirdly, on a number of windows, it is evident from the photographic evidence, that original design details have been lost or changed. The cross window to the right hand side of the porch (on Sheet A) now displays a much thicker, squared off frame, in contrast to the more slender, chamfered million and transom of the original window (labelled W7). The right hand arm of the replacement transom also thickens to accommodate the metal opener and a moulded architrave has been used to replace the more simply profiled surround of its predecessor. Overall, the changes in design have resulted in a chunky and asymmetrical appearance to the window, which detracts from the more finely detailed joinery and symmetry of the fenestration on the front façade.
15. The central of the 3 lights in the first floor casement window in the south-western gable end of the cottage (sheet D) has been directly glazed, with a narrower frame than the two opening casements either side. Although I have not been provided with an image of the original window, the resulting asymmetric appearance of the window frame is inconsistent with the flush framework to the fenestration in the rest of the property. The window also lacks a pentice board, which appears to be a consistent feature of all other windows in the property.
16. On the north eastern side elevation (Sheet E), the photographic evidence shows that the attic window in the gable end had a 2 light casement below a triangular shaped light, all of which contained horizontal glazing bars. The replacement omits the glazing bars, the loss of which diminishes its traditional appearance and emphasises the reflective nature of the double glazed units.
17. On the north eastern side and south eastern rear elevations, two double hung, six over six, sash windows have been replaced (Sheets J and E). Whilst the new windows are intended to be a like for like replacement, in addition to the loss of detail and depth to the glazing bars to accommodate double glazed units discussed above, the replacements also omit the characteristic timber horns at the base of the top sashes (shown on W11 and W14). As such they are neither historically accurate nor visually unaltered.

18. Overall, therefore, I find that the combination of the loss of architectural detail and historic fabric in the replacement windows and the use of double glazed units, results in harm to the significance of the listed building, with respect to both the architectural and historic interest of Layer Cottage. In terms of the scales of harm identified in the National Planning Policy Framework (the Framework), I consider that the harm caused to the significance of the heritage asset in this case would amount to less than substantial, but that is not to say that the harm is not significant, even allowing for the poor condition of the original windows.
19. Paragraph 196 of the Framework requires that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In terms of the weight to be attached to the harm, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the harm amounts to substantial or less than substantial harm. In light of this and the statutory requirement to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, I give considerable weight to the harm the proposal has caused to its heritage significance.
20. With regard to public benefits, the Planning Practice Guidance<sup>2</sup> (PPG) states that they should be of a nature or scale to be of benefit to the public at large and not just be a private benefit, but that works to a listed private dwelling which secure its future as a designated heritage asset would be a public benefit. The appellant argues that the loss of historic fabric must be weighed against the condition of those windows which were beyond repair, that their replacement was essential, and that the public benefit arising is the maintenance of the building for the public and to preserve the views within the street. However, whilst the condition of the windows may have warranted their replacement in some cases, I do not have clear evidence that those windows were beyond repair or partial replacement. Further, the need for replacement does not justify the loss of architectural detail which has occurred nor the changes in the traditional appearance of the windows which has resulted from the use of double glazed sealed units.
21. The appellant's stated intention of installing double glazing was for greater ease of operation and in order to reduce heat loss. Whilst improved energy efficiency can be regarded as a public benefit, as HE's advice confirms, better draft proofing and secondary glazing can be as effective. There is no substantiated evidence before me to demonstrate the necessity for double glazing. I recognise the desire of the appellants for greater ease of operation, but this is a private benefit, which in my view does not outweigh or justify the harm.
22. Accordingly, I conclude that there is insufficient public benefit in this case to outweigh the identified harm to the heritage asset or the special regard to be had to the preservation of the listed building under the Act. The works also conflict with Policy DM15 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015), which expects proposals to alter a listed building not to be detrimental to any architectural or historic features which contribute to its special interest.

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<sup>2</sup> PPG Paragraph: 020 Reference ID: 18a-020-20190723

### **Other Matters**

23. The harm to the listed building is determinative in this case. I am mindful that the works also have an effect on the character and appearance of the Stoke By Clare Conservation Area (CA). Whilst this has not been raised separately by the Council in the reason for refusal, I have a duty under the Act to address it. The character and appearance of this part of the CA is defined by the range of plastered, C17, C18 and C19 dwellings lining The Street, each displaying traditional windows that make an important contribution to the area's character and appearance. The harm arising from the replacement of windows at Layer Cottage to the character and appearance of the CA may be slight in the context of the area as a whole, but nonetheless fails to preserve or enhance it.

### **Conclusion**

24. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should fail.

*M Hayden*

INSPECTOR