



Appeal Decision

Site Visit made on 16 February 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Appeal Ref: APP/C1570/D/20/3264067

15 Chapel Hill, Stansted, CM24 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sinead Holland against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1693/HHF, dated 12 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is to replace three metal framed windows with appropriate heritage substitute in accordance with conservation area advice.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. During the course of the application the appellant provided evidence to the Council in respect of the condition of the existing windows. The Council subsequently accepted that the windows could not be repaired and required replacement, but found the proposed windows to be inappropriate. The main issue is therefore the extent to which the proposed replacement windows would preserve the significance of a non-designated heritage asset, 15-17 Chapel Hill, and the extent to which it would preserve or enhance the character or appearance of the Stansted Mountfichet Conservation Area.

Reasons

Significance

3. The appeal property is a three-storey cottage of 19th Century origin, the top two floors of which directly abut the Chapel Hill and its narrow pavement. Along with No 17, the property is included on the Council's Local Heritage Listing (LHL), so is a non-designated heritage asset. The listing specifically refers to the metal windows to the top floor of the properties being original and retained. It also suggests that, at ground floor, only one modern replacement has been undertaken to No 17, which I observed to be adjacent to its door. The existing windows are single-glazed and have very slender glazing bars. Despite their current state of repair, they continue to make a positive contribution to the significance of Nos 15 and 17.
4. The property is also located within the Stansted Mountfichet Conservation Area (CA), which is divided into three parts. The largest part is dominated by the castle and its motte and includes a mix of commercial, public, and residential buildings, many of which are listed or included on the LHL.

5. In so far as it relates to the appeal, the significance of the CA today lies at least in part in the positive contribution made by the rich legacy of historic structures and the architectural legibility of their built fabric, including their fenestration. Moreover, despite the presence of a variety in the materials and style of window frames, those buildings with historic windows make a positive contribution to the character and appearance of the CA. This point was recognised by the Council in 2011, when they introduced an Article 4 Direction¹ (A4D). Amongst other things, this identified properties to be protected against the inappropriate replacement of windows. Again, despite their current state of repair, the fenestration to the front of Nos 15 and 17 ensures that they contribute positively to the character and appearance of this part of the CA.

The Proposal

6. The proposal is to replace all of the windows to the front of the appeal property at first and second floor. The existing windows are split into three lights, each with twelve panes of glass separated by simple slender glazing bars, but the first-floor window incorporates taller panes.
7. The Council has indicated that they would only support like-for-like replacement of the existing windows, with secondary glazing behind. Several exchanges took place between the main parties and the details of the proposed windows were updated prior to the determination of the application.
8. The application drawing² shows the windows in three parts, with a large side hung casement, small top hung casement to the top opposite and a fixed light beneath. There would be 100mm of framing where the casements meet the mullion and glazing would be 22mm. The appellant's Heritage Statement (HS) contradicts these details with a series of small illustrations of the proposed windows presented alongside photographs of the existing windows. These show twelve panes at first floor but only nine at second floor. The HS also suggests the glazing would be 24mm thick and fit into the existing timber subframes.
9. The appellant then confirmed that the specification for the proposed windows would be taken from The Heritage Window Company's Benenden range, photographs of which were provided, but not scaled drawings. These suggest that the windows would fit into timber subframes and be flush fitting.

Effect of the proposal

10. Most historic windows will illustrate, to a varying extent, the materials, technology, craftsmanship and architecture around the time they were installed. The success of replacement windows will depend on their design, profile, size of openings and the extent of glazing.
11. I appreciate that the appellant has sought specialist advice, which clarifies that single cast frames, such as those found in the appeal property, are no longer manufactured and modern replacements would be more likely to have a different appearance. However, the framing of the proposed replacement windows would be significantly thicker than the existing historic windows and would, in the absence of further information with respect to how glazing bars would be incorporated, have a flatter appearance. Moreover, the extent,

¹ Under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and dated 1 December 2011.

² Drawing Ref: THWC/03/01 from the Conservation Range constructed by The Heritage Window Company.

bulk and detailing of the replacement window frames, particularly the greater extent of framing where stiles meet mullions would be in contrast to the refined and slender historic metal windows found at the front of Nos 15 and 17. The reduction in the number of panes of glass at second floor would also contrast with the windows in the corresponding floor of No 17.

12. I have been referred to an appeal decision at No 49³, in which the Inspector dismissed the replacement of timber windows with UPVC. While that appeal involved windows of different materials, it related to a property situated in the CA and covered by the A4D. The appeal is comparable with that before me, as I have highlighted similar concerns with the windows, their relationship with other fenestration in the CA, and their degree of prominence.
13. The appellant has suggested that an appeal was allowed for No 13 to be converted from a convenience store into dwellings in 2019⁴ and replacement windows have subsequently been installed at ground and first floor. I note that the property was not included in the A4D, presumably as it only relates to domestic properties and No 13 was in commercial use at its inception. It is also unclear whether the design of the windows was at issue in that appeal or if the pre-existing windows that were replaced were timber framed windows, like those found at No 11. Nevertheless, I have had regard to the presence of the modern replacement windows installed at No 13, but their existence would not provide justification for further incremental development that I consider would be harmful to significance of the non-designated heritage asset and the CA.
14. In light of the above, the replacement windows would appear as prominent and discordant alterations to No 15, particularly in the context of the appearance of identical historic windows found at No 17. It therefore follows that the windows would diminish the contribution made by Nos 15 and 17 to, and cause incremental harm in their own right to the character and appearance of the CA.

Public benefits and conclusions on the main issue

15. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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 197 is also relevant given that Nos 15 and 17 are a non-designated heritage asset. The Framework makes it clear that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset
16. The removal of historic fabric, in respect of the three windows, and their proposed replacements would fail to preserve the significance of the non-designated heritage asset. Similarly, while the harm to the significance of the Conservation Area that would result from the proposal would be localised,

³ Appeal Ref: APP/C1570/W/18/3210109.

⁴ Appeal Ref: APP/C1570/W/18/3214988.

it would nevertheless contribute to the incremental erosion of the distinctive character and appearance of the CA.

17. In my view the harm that I have identified to the CA equates to less than substantial harm to the significance of this designated heritage asset. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings. Given that the historic windows found at No 15 are identified as the principal contributor to its significance, their loss would result in comparable harm to the asset. However, that harm is not relevant to the balancing exercise which follows.
18. The thermal efficiency, reduced maintenance and long lifespan of the windows and their potential to be recycled in the future would be small public benefits in environmental terms due to the minimisation of energy consumption. The replacement of windows that need repair would also be a benefit, particularly as they are visible from within the public realm.
19. The proposed double-glazed replacement windows would provide improved ventilation, acoustics and protection from air pollution, and reduce the potential for damp within the appeal property. There would also be a significant cost saving associated with the appellant's solution for replacement windows and that suggested by the Council. However, these would be largely private benefits restricted to its occupiers.
20. Taking the above together, the public benefits I have outlined above would not justify allowing development that would fail to preserve the character and appearance of the CA. Furthermore, there is no substantive evidence before me to suggest that windows of a more suitable design, more reflective of the existing windows, would not be similarly effective in all these respects or halt further deterioration of the building, without harming the character or appearance of the CA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the CA as a heritage asset.
21. Despite the absence of objections from the Parish Council and a Ward Councillor, and the support received from a nearby resident, given the above, I conclude that, on balance, the proposal would fail to preserve the significance of the non-designated heritage asset and the character and appearance of the Stansted Mountfichet Conservation Area. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 192, 193 and 197 of the Framework and would conflict with the heritage aims of Policy ENV1 of the Uttlesford Local Plan (Adopted 20 January 2005).

Other Matters

22. Across from the appeal property is the Grade II listed Chapel Hill House, which is a 19th Century timber framed and plastered house, so I have had regard to the statutory duty referred to in the Act. However, given the nature of the proposal and its proximity and physical relationship with that designated asset, its setting would be preserved and the proposal would not detract from it.

Conclusion

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

Paul Thompson

INSPECTOR