
Appeal Decisions

Site visit made on 22 March 2021

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an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal A: APP/Z0116/W/20/3263745

23 Burlington Road, Redland, Bristol BS6 6TJ

- 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 Mr William Hartley against the decision of Bristol City Council.
 - The application Ref 20/02925/H, dated 6 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is described as replacement of none original aluminium windows.
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Appeal B: APP/Z0116/Y/20/3263750

23 Burlington Road, Redland, Bristol BS6 6TJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr William Hartley against the decision of Bristol City Council.
 - The application Ref 20/02926/LA, dated 6 July 2020, was refused by notice dated 21 September 2020.
 - The works proposed are described as replacement of none original aluminium windows.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.

Main Issue

4. The main issue is the effect of the scheme on designated heritage assets, including: whether it would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses; and whether it would preserve or enhance the character or appearance of Whiteladies Road Conservation Area (the Conservation Area).

Reasons

5. 23 Burlington Road forms part of an 11-unit terrace numbered 11-31 Burlington Road, which, together with front garden walls and gate piers, is the listed building in this case. Insofar as it is relevant to these Appeals, the special interest and significance of the listed building resides in its c.1845 date, the overall uniformity of its formal high status design and construction, and its group value with other terraces of similar date within the surrounding streetscene.
6. The listed building is also located within the Conservation Area. Insofar as it is relevant to these Appeals, the significance of the Conservation Area resides in the historic layout of development along and in streets to either side of Whiteladies Road, and the collection and interrelationship of historic buildings and spaces these contain. These streets include Burlington Road and Lower Redland Road. Within this context the listed building makes a positive contribution to the significance of the Conservation Area.
7. The rear elevation of the terrace is not described in the listing record. This does not however mean that it holds no interest, given that the primary purpose of the description is to identify the building as viewed from the front. The rear elevation is both clearly visible and prominent within Lower Redland Road. It appears that the elevation originally featured a regular sequence of projections marking the position of the stairs within each unit. These are otherwise identified by arch topped windows. Whilst some units retain their original configuration, in other places the gap between the projections has been infilled. This includes at No 23, where a flat faced extension fills the gap and appears to have been added historically. A similar extension occurs further along the terrace at No 17, whilst elsewhere bay windows have been added.
8. The windows originally installed within the terrace were timber, single glazed multi-paned sliding sashes. These variously survive across the rear elevation, often identifiable by the distorted reflections provided by historic glass. Similar windows are installed in the extension at No 17, and were presumably also once present in the extension at No 23. The windows currently installed are however aluminium replacements, which appear obviously at odds with the pattern viewed across the rear elevation of the terrace.
9. The proposed replacement windows would be timber, and their format would generally match that of surviving original windows. They would however be double glazed, and in this crucial regard their design would not match the originals. Indeed, double glazing is an obviously modern product. That proposed would consist of slimline sealed units which are less easy, but not impossible to detect from a distance than units of more standard width. Moreover, upon closer inspection, and from inside, their presence is usually obvious. This is typically highlighted by the depth of the sealed units and glazing bars, the spacer strip between the panes, by differing reflective qualities, and in visual contrast with single glazed windows where a direct comparison is available, as would be the case in this instance. The presence of double glazing within the replacement windows would therefore be both appreciable, and appreciably inconsistent with surviving historic windows.
10. Non-statutory guidance published by Historic England states that, where significance has been harmed by inappropriate windows, slim profile double glazed replacement windows may be considered. In these cases, the

expectation is that the designs would be more sympathetic, and there would be a net neutral or positive effect on significance.

11. In view of my reasons above, the improvement delivered by the proposed frame designs would be sufficient to outweigh the overall harm caused to the historic architectural integrity of the listed building by the installation of double glazing within them, thus resulting in a net negative effect. Therefore, on balance, the proposed windows would neither preserve the listed building, nor better reveal its significance.
12. The scheme would also include replacement of existing aluminium windows within the mansard on the front elevation. The mansard is described by the Council as not original, and it is poorly integrated. Even so, it appears to have been introduced at the same time across the whole of the centre of the terrace, making it a prominent component of the front elevation. In its original condition, the mansard presumably had a uniform appearance, with windows sized and designed to integrate with the pattern within the façade below. This remains the case in places, but any past uniformity has been eroded by inconsistent changes to the cladding and windows at individual properties. In this regard the existing mansard windows at No 24 are particularly incongruous given that their proportions, side opening format, and construction from aluminium appears starkly at odds with the design and construction of windows below.
13. The Council has not objected to the installation of replacement windows of largely matching design and fabrication, albeit with white frames and again incorporating double glazing. Indeed, the replacements would be very similar to the existing, and in this regard, similarly incongruous. As such, whilst the opportunity to install windows of more sympathetic design and fabrication would not be taken, there would be little change in effect. That being so, and in view of the harm that I have otherwise identified in relation to the scheme, the scheme's overall effects would be negative.
14. As set out above, the scheme would entail alterations that would diminish the significance of the listed building, and these would be at least partly appreciable from within the public realm. It thus follows that the scheme would also harm the contribution that the listed building makes to the significance of the Conservation Area.
15. As a whole, the scheme would therefore both fail to preserve the special interest of the listed building, and fail to preserve or enhance the character or appearance of the Conservation Area. As such it would conflict with the expectations of the Act, and paragraphs 193 and 194 of the National Planning Policy Framework (the Framework), which set out the great weight to be attached to the conservation of designated heritage assets, and the need for clear and convincing justification for any harm.
16. With further reference to paragraph 196 of the Framework, I find that as a whole the scheme would cause less than substantial harm to the significance of both the listed building and to that of the Conservation Area. I attach great weight to the harm that would be caused to the significance of the listed building, and considerable importance and weight to the harm that would be caused to the significance of the Conservation Area. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour of the scheme.

17. Insofar as replacement of the existing aluminium windows to the rear elevation has been advanced as a heritage benefit of the scheme, I have addressed this in my reasons above. In view of my findings, this is not a consideration to which I attach any weight.
18. Replacement of the windows would help to prevent water ingress, but this would be true of any properly fitted replacement window. This is again therefore not a consideration to which I attach any weight.
19. The appellant states that installation of sealed units would help to improve energy efficiency. Indeed, an improvement would be likely to occur. However, the calculations provided are not based on data relating to levels of actual energy use at the property. They also fail to take account of embodied energy within, or the anticipated lifespan of the sealed units, each of which would reduce the level of overall energy saving anticipated. Furthermore, I am not convinced that other less harmful, or indeed, more sensitive ways of improving the energy efficiency of the building have been fully explored. In this regard secondary glazing can be just as validly and effectively used with replacement single glazed windows as it can be with originals. Whilst the broader environmental benefits of the scheme would be very limited, it is clear that the scheme does not represent the only or most appropriate way in which environmental improvements could be achieved. As such I attach negligible weight to the benefits.
20. The broader economic benefits of undertaking the works would be negligible in scale, thus attracting negligible weight. At best therefore the public benefits of the scheme attract negligible weight, which is insufficient to outweigh the harm that it would cause.
21. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets, as a whole failing to preserve the special architectural or historic interest of the listed building, and failing to preserve or enhance the character or appearance of the Conservation Area. In relation to Appeal A, it would therefore conflict with Policies DM31 of the Local Plan: Site Allocations and Development Management Policies, and Policy BCS22 of the Core Strategy, which similarly seek to secure development that conserves or enhances heritage assets; and in relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Conclusion

22. The scheme would cause unacceptable harm to designated heritage assets, and, in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR