



---

## Appeal Decision

Site visit made on 16 March 2021

**by Mike Hayden BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> May 2021**

---

**Appeal Ref: APP/G2435/Y/20/3263864**

**Church Farm, Church Street, Swebstone LE67 2SA**

- 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 Alan Pope against the decision of North West Leicestershire District Council.
  - The application Ref: 20/01432/LBC, dated 2 October 2020, was refused by notice dated 17 November 2020.
  - The proposed works are described as '*replacement of 2-no. decayed and inappropriate modern engineered softwood single-glazed windows to the rear elevation, in substitution for units from the 'Residence 9' collection of composite windows, finished in "grained white" to match existing*'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed works on the special interest of Church Farm, as a Grade II listed building.

### Reasons

3. The appeal property is one half of a Grade II listed former farmhouse, previously known as Church Farmhouse, which was constructed around 1800, renewing a C17 range. It was subdivided into two dwellings following consent in 1986, with the pair named on the statutory list description as Church Farmhouse (the appeal property) and Upper Church Farmhouse. The heritage significance of the building derives from its historical value as a well preserved example of an early C19 Leicestershire farmhouse, and the aesthetic value of its vernacular rural architecture, which contributes to the character and appearance of Church Street and Swebstone.
4. The building is two storeys in height and constructed in red brick under a plain tile roof. It contains some variations in materials, which add to its special interest, including a section of rubble stone in the southern gable end wall, evidence of timber framing in the northern gable end, and the extension on the northern end built in oversized bricks, known as 'gobs', which were produced locally in Measham until the early 1800s. At the rear of Church Farm is a modern single storey extension, added in the 1990s, but in a traditional design and materials, which are sympathetic to the original building.

5. It is common ground between the parties that the existing windows are not original and there is no photographic evidence to show the appearance of the original windows. However, their timber construction and traditional casement design are consistent with the vernacular architecture and age of the property. Segmental brick arches, such as those above the ground floor windows on the front elevation of the building, are common over C19 casement windows, indicating that the original windows were most likely of a casement type. Although plans attached to the application for the conversion of the property to two dwellings show one of the windows in the rear elevation of Church Farm as metal framed, timber was the material most commonly used for casement windows at the time the property was first built. The 3 pane by 3 light design of the principal windows on the front and rear elevations is also found in dwellings of this period elsewhere in rural Leicestershire and can be seen on other buildings in Swebstone, including 1 Church Street, and in nearby villages, such as Snarestone. Therefore, although not original and notwithstanding the fact that some of the windows are in need of repair and refurbishment, I consider that the existing windows in the property make a positive contribution to its aesthetic and historic value and help to preserve the special interest and significance of the listed building.
6. It is proposed to replace two 3-light timber casement windows on the rear elevation of Church Farm, one on the ground floor (numbered W21) and the other on the first floor (W20), with double glazed windows from a composite or uPVC range known as 'Residence 9'. The proposed replacements would be manufactured in a white textured finish aiming to imitate timber windows and to a design intended to match the casement style of the existing windows.
7. A brochure of 'Residence 9' was submitted with the appeal and I was able to see examples on site, including those installed in the converted former farm buildings to the rear of Church Farm on the north side of the yard. I note from the brochure that the 'Residence 9' collection has been approved for use on listed buildings and in conservation areas elsewhere. I have also carefully considered the photographic evidence prepared by the appellant comparing modern composite and timber windows. However, it is evident from the submitted plans, samples and images that the appearance and constructional details of the proposed windows would be noticeably different from the existing windows in a number of ways.
8. The framework of the 'Residence 9' windows would be significantly bulkier than that of the current windows, due to the proposal for three opening casements rather than one and because of the structural design requirements for double glazing. The combined width of the central mullions and the casement stiles abutting them on the proposed windows would be almost twice that of the existing windows; and on the two outer casements, the width of the side jambs and stiles, the head jambs and top rails and the exterior sills and bottom rails respectively would be noticeably wider than the jambs on the outer casements of the existing windows. In contrast, the horizontal glazing bars on the 'Residence 9' windows would be much thinner than the existing windows and, as false glazing bars, would be adhered to the glass rather than a structural element containing it. Whilst reference is made to the Traditional Casement Design Guide for Cotswold District Council in justifying the proposed width of the glazing bars, the reference point here should be the existing windows and the local vernacular, rather than a design guide for another area of the country.

In addition, the frames would be significantly thicker in section to support 28mm wide double glazed units. The large gap and the silver spacer strip between the panes of glass in each unit would be likely to accentuate the reflectiveness of the proposed windows compared to the more matt, thin and irregular appearance of the existing traditionally glazed windows.

9. These differences would alter the proportions of framework to glass, resulting in a heavier window design compared to the more finely engineered framework and traditional glazing of the timber casements that exist. This is evident from the 'Residence 9' examples installed in the converted former farm buildings and from the direct comparison photographs provided in the appellant's final comments. The advice of Historic England with regard to the care and upgrading of traditional windows<sup>1</sup>, is that the different appearance and character of uPVC windows is highly likely to make them unsuitable for listed buildings. I consider that this applies in respect of the windows proposed in this appeal.
10. Therefore, the proposed replacement windows would not match the existing timber windows in the property in terms of their detailed design and material. Their bulky framework, altered proportions, synthetic material and reflective double glazed units would be out of place amongst the vernacular architecture of the listed building and unsympathetic to its historic character. Although the two windows are on the rear elevation of the building and only visible from the rear gardens of Church Farm and Upper Church Farm, nevertheless these limited views comprise part of the context in which the value of the listed building can be appreciated. Moreover, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views can be gained. As such the proposed works would result in harm to the significance of the listed building, with respect to both the architectural and historic interest of Church Farm. I consider below the justifications given by the appellant for the proposed works in weighing the balance of harm against benefits.
11. 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 serious, even allowing for the condition of the existing windows. 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 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 its special interest, I give considerable weight to the harm the proposal would cause to its heritage significance.
12. With regard to public benefits, the Planning Practice Guidance (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 cites a number of potential benefits and justifications in this case. These include enhancing the appearance of the building by replacing the current decayed windows, easier maintenance, improved energy efficiency and

---

<sup>1</sup> Traditional Windows: Their Care, Repair and Upgrading, Historic England, February 2017 (page 6)

reduced heat loss, and to address fire safety by providing window openings that would allow emergency access. I consider each in turn below.

13. In terms of the appearance of the building, the dilapidated condition of the existing windows does not justify their replacement with inappropriate uPVC substitutes. Repair and overhaul or their replacement with windows of a design and material that matches the existing windows and is sympathetic to the architecture and age of the building would resolve any negative effects of their current condition. Whilst future periodic repainting and maintenance would be necessary, as the windows are at the rear, this should be entirely practical and safe from the back garden of the property, and there is no evidence that the costs of future timber window maintenance would be unviable.
14. I acknowledge that the installation of double glazing can improve thermal efficiency and sound proofing, and that the proposed replacement windows would offer this. However, alternative options are available, such as secondary glazing, that would be less harmful to the heritage significance of the listed building, and which, as Historic England advises<sup>2</sup>, can be as, if not more, effective than double glazing in reducing heat loss and sound transmission.
15. With regard to safety, the appellant contends that the existing windows do not meet safe building egress regulations, which require openings to be a minimum dimension of 450mm wide by 450mm high. However, as pointed out in the advice of Historic England<sup>3</sup>, the Building Regulations (BR) only apply to new work and there is no general requirement to upgrade all existing buildings to meet these standards. It is my understanding that the BR make provision for the retention of listed buildings in the form in which they were constructed. There is nothing before me in the evidence, which leads me to conclude otherwise in this case. The same applies to the requirement for the use of toughened safety glass in the BR, and even if this were a requirement here it does not justify the need for double glazing or the type of windows proposed.
16. Therefore, I find that the stated benefits of the proposed replacement windows would not justify or outweigh the harm. Rather the harm caused to the heritage significance of the building would be a public loss, given that listed buildings are part of the suite of the nation's heritage assets.
17. I was referred to and visited a number of other examples of buildings where uPVC windows of a similar type to those proposed in this case have been installed, including 1 Church Street in Swepstone and Twycross School. However, none of these persuade me that the proposed uPVC windows would be a suitable replacement at Church Farm.
18. The evidence also quoted a number of appeal decisions where replacement uPVC windows were allowed on listed buildings and within conservation areas. However, it is a core principle of the planning system that each case is determined on its own merits. From the information provided, none of the other decisions sets an irresistible precedent in favour of the proposed works in this case, which I have determined on its merits.
19. 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

---

<sup>2</sup> Traditional Windows: Their Care, Repair and Upgrading, Historic England, February 2017 (page 44)

<sup>3</sup> Building Regulations Compliance: Listed Buildings and Other Heritage Assets, Historic England advice.

had to the preservation of the listed building under the Act. The works would also conflict with Policy He1 of the North West Leicestershire Local Plan (2017), which seeks to ensure that proposals, including those designed to improve the environmental performance of a heritage asset, should conserve or enhance the significance of heritage assets in the district.

### **Conclusion**

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

*M Hayden*

INSPECTOR