
Appeal Decision

Site visit made on 9 December 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/C1570/Y/21/3276495

Holly Cottage, 2 Batts Row, Ugley Green, Essex CM22 6HL

- 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 Richard Baxter against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0414/LB, dated 13 February 2021, was refused by notice dated 27 April 2021.
 - The works proposed are replacement windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed works would preserve the Grade II listed building known as Holly Cottage¹ or any features of special architectural interest that it possesses.

Reasons

3. Holly Cottage was listed in 1980 and dates from the early 19th Century. It is semidetached and was probably designed to be symmetrical with 1 Batts Row. The symmetry has been eroded over time due to the positioning of front doors and the differing porch designs. That said, the matching roof and wall finish, central chimney stack and general position of windows has retained a sense of the original symmetry.
4. Holly Cottage is finished in a slate roof and white painted timber weather boarding. It therefore has a simple, pleasant and unostentatious finish in keeping with historic cottages nearby. Accordingly, the significance/special interest of the listed building, in the context of this appeal, is the evidential and aesthetic value derived from the building as an example of simple vernacular architecture from the early 1800s.
5. The windows at the appeal property appear to have been replaced on a wholesale basis. They have a four light configuration and are unbalanced with top hung openings. The appellant suggests they date from the 1980s and were inserted into openings that were enlarged. I have no reason to disagree, especially as the window openings at 1 Betts Row (No 1) are smaller. The windows at the appeal building do not match those at No 1 and therefore the semi has been further unbalanced by the late 20th Century alterations.

¹ The list description has the address as 1 and 2 Ugley Green

6. The windows are generally in a poor condition with extensive areas of localised rot and warping. Given their likely age, unbalanced appearance and deteriorating condition, I see no reason why they should be retained as they add no value to the significance of the listed building. I find the Council's position in seeking a like for like replacement of unattractive 1980s windows unfathomable. Instead, replacing the windows could present an opportunity to enhance and better reveal the significance of the listed building, including the contribution to group value. There is plenty of local inspiration to guide such a replacement, with Newlands, Oakley Cottage and Bunnies Hop all exhibiting very attractive, well balanced six light timber casement windows.
7. The windows at No 1 could also provide inspiration and reflecting these would reinstate some balance to the semi. However, it is unclear whether the windows at No 1 are original, or reflect the originals. They may not, because they are unbalanced with the opening casements sitting proud of the central lights in a way that would have been untypical of the early 1800s. Thus, the appellant has sought to reflect the nearby casement windows at Newlands, Oakley Cottage and Bunnies Hop in their design of the proposed replacements. There may be some merit in doing this if the windows at No 1 are not original and or of little significance. However, the evidence before me does not demonstrate this and thus justify the approach. Notwithstanding this, there would be some serious limitations with the design of the proposed windows.
8. Most significantly, the windows would be finished in UPVc. This would be an overtly modern finish that would jar with the period architecture that affords the building its value and significance. In addition, the use of UPVc would seriously unbalance the semi because at the moment all of the windows are constructed from timber, albeit of differing designs.
9. Moreover, the four-light configuration of some of the windows would appear jarring with comparatively large panes. The proposed windows would also be double glazed, which is a modern method of glazing. However, if done sensitively and in a way that enhances the aesthetic of the building, there may be a justification for double glazing. That would not be the case in this instance though, because double glazed UPVc windows would require heavy frames. As a result, the insertion of the proposed windows would result in significant harm to the architectural value of the building.
10. The appellant argues that the existing windows harm the significance of the building and the proposed windows would be better, in part, because of their cottage style design, which would include white flush fitting casements. However, I do not share this view because timber windows are so intrinsic to the period styling and historic character. Thus, UPVc would not be an improvement on what is there, regardless of the style. There are UPVc windows at Bunnies Hop. It is unclear if there are authorised. Even if they were, they serve to illustrate my concerns about the discordant nature of the finish.
11. In conclusion the proposal would harm the special interest and architectural significance of Holly Cottage. In so doing it would fail to preserve the listed building, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). It would similarly be at odds with the expectations of Paragraphs 197 and 199 of the National Planning Policy Framework (the 'Framework'), which requires great weight to be given to the conservation of designated heritage assets.

Other Matters

12. 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 ENV2 of the Uttlesford Local Plan.

Heritage Balance

13. The harm to the listed building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
14. The proposal would see existing rotting and warped windows of no value or significance being removed. However, for the reasons given the proposal would not benefit, and in fact harm, the character and appearance of the dwelling. Double glazing would prevent condensation and would improve the energy efficiency of the building. These benefits would improve the comfort of future occupants and need to be carefully considered in the context of climate change. However, there is no need to use UPVc to provide these benefits. Moreover, the evidence before me does not quantify the extent of this benefit, bearing in mind that other measures can be employed².
15. Double glazing would lessen the impact from road noise and thus improve the comfort of the occupants. However, substantive evidence has not been provided to demonstrate road noise is at such a level that attenuation is necessary to provide adequate living conditions. In this respect, there are other listed dwellings in the vicinity that are close to the road and have single glazed windows. This suggests that double glazing is unnecessary in this regard. The benefits would therefore be modest.
16. Thus, when giving considerable importance and weight to the desirability of preserving³ the listed building⁴, the overall harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to a designated heritage asset would not have clear and convincing justification.

Conclusion

17. The proposal would fail to preserve the listed building. There are no other considerations or public benefits that would outweigh the 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 For example, Historic England's guidance *Traditional Windows: their care, repair and upgrading and Energy Efficiency* and *Historic Buildings: Draught-proofing windows and doors*

³ In this context preserving means doing no harm

⁴ See Sections 16(2) The Planning (Listed Buildings and Conservation Areas) Act 1990. The Council erroneously referred to s66(1) in its reason for refusal.