



Appeal Decision

Site visit made on 15 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/U1105/Y/21/3284637

4 Counters Court, Mill Street, Sidmouth, EX10 8DW

- 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 Hillier against the decision of East Devon District Council.
 - The application Ref 21/0238/LBC, dated 26 January 2021, was refused by notice dated 13 May 2021.
 - The works proposed are replacement of defective windows and doors.
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Decision

1. The appeal is dismissed.

Main Issue

2. 4 Counters Court occupies the west end of the Grade II listed No 16 Mill Street, built circa 1810 as the first public school in Sidmouth, and now converted into four dwellings. The main issue to be considered, therefore, is the effect of the proposal on the special architectural and historic interest of the listed building.

Reasons

3. The listed building comprises the former school master's house fronting Mill Street, with the schoolroom behind, perpendicular to Mill Street and fronting what was logically the schoolyard to the south. The elevation onto the yard has architectural and historic interest in its separate porches for boys and girls and the arrangement of four, double height apertures. The list description refers to these openings as containing mullion and transom windows with 24 panes.
4. The listed building was converted around the early 1990s, at which point the schoolroom windows were replaced. This was done in timber, but the windows are plain and bulky, double-glazed, storm-proof type units. Given their form, age and defective state, these windows, and the others within No 4, including a French window within a modern part of the dwelling, offer little to the listed building and are candidates for replacement.
5. The dispute between the parties turns on the format of their replacements. The Council prefers slimmer glazing bars with flush fitting casements. However, this approach is somewhat speculative and unjustified in the absence of evidence as to the detailed joinery of the original windows, which are now unfortunately long gone in any event. In these circumstances, a like for like replacement of the existing windows would preserve the special interest of the listed building.
6. However, the scheme would introduce astragal glazing bars, stuck onto the faces of the glass, across No 4. In my view, the wholesale use of such a detail

would lack a degree of authenticity and integrity which would therefore cause harm, albeit modest harm, to the special interest of the listed building.

7. The replacement windows would it follows, under the terms of the National Planning Policy Framework (the Framework), result in less than substantial harm to the significance of the listed building. There is a strong presumption against works that would have such harmful impacts through the workings of s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. Paragraph 199 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use.
9. It is likely that the new windows would improve the thermal efficiency and security at the property. However, it occurs to me that these could equally be achieved by a different scheme, such as one which does not utilise extensive astragal glazing bar detailing. As such, the public benefits of the proposal would not outweigh the considerable importance and weight I attribute to the harm to the listed building in this case. This draws the scheme into conflict with Policy EN9 of the East Devon Local Plan 2013-2031 (adopted 2016).

Conclusion

10. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR