



Appeal Decisions

Site visit made on 3 May 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal A Ref: APP/Z0116/W/21/3290008

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 21/03230/H, dated 10 June 2021, was refused by notice dated 8 October 2021.
 - The development proposed is the replacement of non original aluminium windows.
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Appeal B Ref: APP/Z0116/Y/21/3290009

23 Burlington Road, Redland, BRISTOL, BS6 6TJ

- 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 William Hartley against the decision of Bristol City Council.
 - The application Ref 21/03231/LA, dated 10 June 2021, was refused by notice dated 8 October 2021.
 - The works proposed are the replacement of non original aluminium windows.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have considered each on its individual merits. However, to avoid duplication, I have dealt with both appeals together.
4. An additional plan was submitted with the appeals that shows 1:5 drawings of detail A and B, which are section details of the top and bottom of the proposed windows. These details expand the drawing titled 'top floor front window details and section', which has a corresponding annotation to show which part of the window are covered by detail A and detail B. The Council has suggested that I should not take this drawing into account. However, the drawing does not seek to amend the proposal upon which the Council made its decision, but rather clarify the section detail. I do not consider the interests of any party to be prejudiced if I take this additional plan into account. I shall therefore determine the appeals on the basis of the plans listed on the Council's decision notices and Detail A and Detail B.

5. There is however some discrepancy between these and some of the other submitted drawings. Although the applications appeared to initially propose the replacement of the existing windows with matching aluminium windows with double glazing, the Council's officer report refers to the proposal as the replacement of the existing windows with new double glazed timber sash windows. This corresponds with the Detail A and Detail B drawing submitted with the appeals and the drawing titled 'top floor front window details and section'. I am satisfied that I can proceed to consider the appeals on this basis.

Main Issue

6. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building, and whether the proposal would preserve or enhance the character and appearance of the Whiteladies Road Conservation Area.

Reasons

7. The appeal building forms part of a grade II listed building referred to as Numbers 11 to 31 (odd) and attached front garden walls and piers, 11-31, Burlington Buildings. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The listed building is an 11 unit terrace that dates from c.1845. Its significance derives from its fine formal front façade of imposing scale, with three principal floors in between an attic and basement storey. It is dominated by a first floor cast iron balcony, which extends across almost the full width of the terrace and is enclosed at either end by end pavilions that step forward. It retains a consistent overall appearance and strong sense of uniformity to its principal elevation, although this is eroded to a certain degree by the variation of materials and fenestration at mansard level.
9. The appeal building stands within the Whiteladies Road Conservation Area (CA). Insofar as is relevant to these appeals, the significance of the CA is derived from a series of irregular street grids based on Whiteladies Road that feature a combination of substantial villas and terraces in local stone with classical proportions and ornamentation, of which the terrace at Burlington Buildings is a key positive contributor.
10. It is unclear from the evidence before me whether the mansard accommodation is original. Notwithstanding this, although the overall scale of the mansard roofs across the terrace are consistent, they differ in terms of their facing material, eaves detail and window fittings. The three windows of the appeal building at mansard level are formed in unpainted aluminium. Each window is divided into two panes that slide horizontally to open. These window openings are larger than most other windows at this level and noticeably wider than the three windows directly below, one of which is blind.
11. I accept that the replacement of the existing aluminium windows with well detailed timber sash windows would be an improvement as a matter of

- principle, and that there is no need to preserve the existing windows as they have no historic significance. However, the existing windows do have a vertical emphasis that has a basic conformity to the proportion of other traditional windows on the terrace.
12. The proposed sash windows would be in a single pane 'one over one' arrangement. With reference to paragraph 200 of the National Planning Policy Framework (the Framework), the required clear and convincing justification to explain this design approach is not before me.
 13. The size of the existing apertures and lack of glazing division would give the new windows a horizontal emphasis and a squat appearance that would be entirely at odds with the more traditionally proportioned sash windows to either side at mansard level. The windows would also, more broadly, fail to relate well to the proportion of other original and traditional replacement windows on the terrace, where narrow glazing bars divide each sash into individual panes with a strong vertical emphasis. Without this, the proposed windows would be incongruous. They would fail to respect the manner by which the existing windows are arranged in a diminishing scale across the building's façade, which would be made worse by the large size of each of the window openings when compared with the narrower window apertures below.
 14. With regard to the introduction of double glazing, I note the observations expressed by the Inspector who dealt with a recent appeal at the site¹. From the details before me I can see that this case related to a broader scheme for window replacement, which included windows at the rear of the building. Most of the observations set out in the decision letter relate to windows at the rear.
 15. Paragraph 13 refers to the replacement of the existing mansard windows, and in this case the proposal was to replace the windows with similar aluminium replacements, incorporating double glazing. The Inspector found that this would cause little change. However, when he took into account the harm that he found in relation to the whole scheme, he concluded that the overall effect would be negative.
 16. I note that the introduction of double glazing at the rear was considered by this Inspector to be appreciably inconsistent with surviving historic windows. The appeal before me relates to a more limited area of the building. The proposed windows would be at a high level, sitting within a row of existing replacement windows and in the context of an aspect of the terrace that has seen significant intervention. It is likely that some of the other replacement windows at this level incorporate double glazing and, owing to the various differences between these windows, I was unable to differentiate between those that are single glazed and those that are double glazed when viewed from ground level.
 17. For these reasons, subject to the incorporation of appropriately sized sectional details to ensure that the new windows would match the elegant detailing of the windows below, I am satisfied that the introduction of double glazing at this level would not be harmful in principle. However, for the reasons set out above I have found that significant harm would arise from the introduction of windows with a poor overall proportion.

¹ APP/Z0116/W/20/3263745 & APP/Z0116/Y/20/3263750

18. As the building is a key positive contributor to the character and appearance of the CA, it follows that the harm caused to its principal façade would fail to preserve the character and appearance of the CA.
19. The appellant refers to existing windows in the terrace that the proposed windows would match. Although I saw some one over one sash windows at my visit, I could see none that have the same proportion as the proposed windows.
20. In terms of the Framework, the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposed windows would have a better thermal performance than the existing windows, which would reduce heat loss at the property. This is a public benefit that attracts reasonable weight. It is also suggested that the windows would address problems with water ingress. I attach only limited weight to this as any well fitted window would address this matter.
21. I give the harm I have identified considerable importance and weight in the public benefit balance of these appeals. Indeed, paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset, regardless of the level of harm identified. The public benefits of the proposal that I have referred to above are not sufficient to outweigh the harm identified.
22. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the architectural interest of the listed building and would not preserve the character or appearance of the CA. It would be contrary to Policy BCS22 of the Bristol Core Strategy 2011 and Policy DM31 of the Bristol Site Allocations and Development Management Policies 2014, which together seek to ensure that proposals safeguard heritage assets.

Conclusion

23. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR