



Appeal Decision

Site visit made on 25 May 2022

by D Boffin BSc(Hons), DipTP, MRTPI, DipBldg Cons(RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/C1570/X/22/3291585

**The Close Church Street, Great Chesterford, SAFFRON WALDEN, Essex
CB10 1NP**

- The appeal is made under section 26K of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), against a refusal to grant a Certificate of Lawfulness of Proposed Works (CLPW).
 - The appeal is made by Mr David Hall against the decision of Uttlesford District Council.
 - The application ref UTT/21/2975/CLLB, dated 27 September 2021, was refused by notice dated 24 November 2021.
 - The application was made under sections 26H and 26I of the Act.
 - The works for which a CLPW is sought are like-for-like replacement bedroom and bathroom windows.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawfulness of proposed works describing the proposed works which are found to be lawful.

Procedural Matters

2. The description of the proposed works, in the banner heading above, is taken from the Council's decision notice as it accurately and succinctly describes them.
3. Section 26H (2) of the Act states that works would be lawful if they would not affect the character of the listed building as a building of special architectural or historic interest. The main issue is therefore whether the proposed works would affect the character of the listed building. It should be noted that, the merits of the works are not relevant in this appeal which relates to an application for an CLPW. My decision rests on the facts of the case, on relevant planning law and judicial authority.
4. As such, whether the works would comply with development plan policies and/or the National Planning Policy Framework is not relevant in this case. In addition, the Council has cited 2 appeal decisions¹ within its evidence. Nevertheless, those cases related to the refusal of planning permission for replacement windows/ a 2 storey extension in conservation areas. Therefore, the planning merits of the developments were relevant in those appeal decisions, and they are not directly comparable to the case before me.

¹ APP/B1415/W/21/3277786 & APP/B5480/D/19/3227917

Reasons

5. The appeal property was listed in Grade II on 22 February 1980 and the list description is as follows '*Formerly a range of early C19 timber-framed and plastered houses, now one tenement. Two storeys. Five window range, double-hung sashes with glazing bars. Roof slate, hipped, with 2 central chimney stacks.*' From the details available to me and my observations I consider that the character and special interest of the listed building is largely derived from its age, form, fabric, architectural features and value as part of a group of historic buildings within the Great Chesterford Conservation Area. It follows that the listed building has aesthetic, historic and evidential value that contributes to its character as a building of special architectural or historic interest.
6. The windows to be replaced are painted timber and they are of modern design and construction. Both windows are within a mid-late 20th Century extension that is to the rear of the main 2 storey range of the listed building. The proposed works would require the removal of the existing windows and their replacement with painted timber double glazed windows. The submitted details indicate that the windows would constitute a storm-proof casement design that visually would be a close proximation of the existing design. The main difference would be the use of '*decorative cross bars*' on the bedroom window – that is the use of applied bars onto the face of the glazing instead of integral glazing bars. The bathroom window does not feature glazing bars as existing or proposed.
7. The extension to the rear of the main range is of modern construction and design and it is largely screened from the public realm. In addition, views of the extension together with the main range of the listed building are extremely limited due to the proximity of the listed building to the site boundary. The lack of visibility from the public realm does not impact on whether the proposed works would affect the character of the listed building. Nonetheless, due to the location of the extension and the characteristics of the site the extension itself has minimal impact on the overall aesthetic value of the listed building. It contributes no aesthetic or historic value to the character/special interest of the listed building.
8. The existing windows to be replaced are also largely screened from external views of the appeal building but they are seen in views internally within the appeal building. Nevertheless, due to their design, construction and location within the extension they contribute no aesthetic, historic or evidential value to the character/special interest of the listed building. Furthermore, their removal would have no impact on the historic fabric of the listed building. The removal of the existing windows would therefore have no impact on the character/special interest of the listed building.
9. I acknowledge that replacement windows designed with applied glazing bars in combination with double glazing where there are existing traditional/historic windows within historic parts of a listed building would more likely than not affect the character/special interest of a listed building. However, in this case if the works were completed the only apparent difference to the existing windows would be the use of applied glazing bars within the bedroom window. The visual impact of those glazing bars would be minimal in comparison to the design of the existing bedroom window. Moreover, as stated above the

existing windows contribute no aesthetic value to the character/special interest of the listed building. As a result, the replacement windows would have no impact on the character/special interest of the listed building.

Conclusion

10. Taking into account all of the above, in my judgement, the proposed windows would have no impact on the overall aesthetic, historic or evidential value of the listed building. As such, the proposed works would not, as a matter of fact, affect the character of the listed building as a building of special architectural or historic interest.

D Boffin

INSPECTOR



The Planning Inspectorate

Certificate of Lawfulness of Proposed Works to a Listed Building

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: SECTIONS 26H and 26I

THE PLANNING (LISTED BUILDINGS) (CERTIFICATES OF LAWFULNESS OF PROPOSED WORKS) REGULATIONS 2014: REGULATION 3

IT IS HEREBY CERTIFIED that on 14 October 2021 the works described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in pink on the plan attached to this certificate, are lawful within the meaning of section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act), for the following reason:

The proposed works do not affect the character of the listed building as a building of special architectural or historic interest.

Signed

D Boffin

INSPECTOR

Date: 23rd June 2022

Reference: APP/C1570/X/22/3291585

First Schedule

Like-for-like replacement bedroom and bathroom windows as shown on quotation ref: Hall HL20119 and the location plan.

Second Schedule

Land at The Close Church Street, Great Chesterford, SAFFRON WALDEN, Essex CB10 1NP

NOTES

This certificate is issued solely for the purpose of Section 26H and 26I of the Act. It certifies that the works described in the First Schedule taking place on the land specified in the Second Schedule are lawful, on the certified date and, thus, are not liable to enforcement action, under section 38 of the Act.

This certificate applies only to the extent of the works described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any works which are materially different from that described, or which relate to any other land, may result in a breach of listed building control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Certificate of Lawfulness of Proposed Works to a Listed Building dated: 23rd June 2022

by **D Boffin BSc(Hons), DipTP, MRTPI, DipBldg Cons(RICS), IHBC**

Land at: The Close Church Street, Great Chesterford, SAFFRON WALDEN, Essex CB10 1NP

Reference: APP/C1570/X/22/3291585

Scale: Not to Scale

