



Appeal Decision

Site visit made on 27 June 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/P2935/Y/22/3295439

Brockburn, Monkhouse, Seahouses, Northumberland NE68 7SY

- 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 Ian Hunter against the decision of Northumberland County Council.
 - The application Ref: 21/01668/LBC, dated 21 April 2021, was refused by notice dated 10 March 2022.
 - The works proposed are replacement of sash windows throughout and replacement of front door.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Northumberland County Council adopted the Northumberland Local Plan 2016-2036 (the NLP) on 31 March 2022. This replaced the Berwick-Upon-Tweed Borough Local Plan, 1999. In determining the appeal I have had regard to policies within the NLP in so far as they are relevant. Both parties have had the opportunity to comment on this change and I have taken any responses received into account. I am satisfied that no party's interests have been prejudiced by this approach.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building known as, Brock Burn House and attached cottage to left, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

4. The appeal property forms part of the Grade II listed building, Brock Burn House and attached cottage to left¹ (the building), which occupies a fairly prominent position adjacent to the main route of the B1340 and is located within a wider pastoral and coastal setting. The list entry states that the building dates from the early 19th century, incorporating some earlier masonry. It is constructed of random rubble with a Welsh slate roof.

¹ List Entry Number:1276108.

5. Pertinent to the appeal, the appeal property's fenestration includes a mix of single-glazed, painted timber, vertical sliding-sash windows and single-glazed, painted timber, casement windows; and the central entrance incorporates a boarded and battened, painted timber door. The appellant submits that the windows to be replaced are 'most certainly' not original and date from different periods, 'most likely to be the mid to late 19th century'². Having regard to the submitted information and my observations on site, I would agree. No information has been provided as to the perceived age of the door.
6. From the evidence before me, I consider that the building's special interest and significance largely stem from its historic and architectural interests. Important contributors in these regards are the building's development and surviving historic fabric; its traditional construction and materials; and its architectural form and design.
7. In relation to the appeal, whilst the appeal property's existing windows may not be original, they are clearly of some age. Moreover, they are mostly of a classic sliding-sash form and proportions and are constructed of traditional materials, with some incorporating panes of historic glass. In addition, the door is of a traditional design and material. In these respects, they are important features of the building which evidence its evolution and, in doing so, positively contribute to its heritage merit.

Appeal proposal and effects

8. The proposed works comprise the removal of eight single-glazed, painted timber, four-over-four, vertical sliding sash windows; two single-glazed, painted timber, two-over-two, vertical sliding sash windows; one single-glazed, painted timber, six-over-three, vertical sliding sash window; two single-glazed, painted timber, nine-pane, casement windows; and the central, painted timber, boarded and battened door. These would be replaced with eight slimline double-glazed, painted timber, four-over-four, vertical sliding sash windows (Nos 1-8); two slimline double-glazed, painted timber, two-over-two, vertical sliding sash windows (Nos 10 and 13); three slimline double-glazed, painted timber, nine pane, casement windows (Nos 11, 12 and 14); and a door to match the existing in design and material (No 9)³.
9. The proposed works would result in the comprehensive removal and irrevocable loss of the existing traditional windows and door. Whilst the appellant provides assurance that there would be no incidental damage to the building fabric as part of this process, these effects of the proposal would adversely undermine the building's value as a heritage asset and would not conserve it in a manner appropriate to its significance.
10. In relation to the existing windows and having regard to the submitted evidence, I acknowledge the presence of wet rot decay which has diminished the windows' structural integrity, and note that many of the windows are currently sealed and inoperable. I am also mindful of the limitations of undertaking in-situ repairs as outlined by the appellant.
11. It is clear that primary components of the existing windows are in very poor condition. On this basis, it would be reasonable to conclude that it would be

² Paragraphs 2.7 and 2.8 Window Condition Survey Report, Ref: BS/22/04, RNJ Construction Consultants, dated January 2022.

³ The numbers 1-14 refer to the window and door numbering system on the submitted plans.

difficult for even an experienced tradesperson to retain and successfully refurbish the existing windows. This provides some justification which supports the principle of their replacement.

12. Nonetheless, even though the proposed slimline units would reflect the opening style and glazing pattern in all of the windows apart from No 11, would be of a matching material and finish and would be appropriately installed, I am not convinced that they would, as asserted by the appellant, 'provide the right historic appearance'. Fundamentally, as double-glazed units, they would alter the basic form of the historic single-glazed windows and even though the separation of the panes would be minimal, they would appear visually different to a single pane of glass in terms of their reflective qualities.
13. Moreover, as no large scale drawings of the existing windows have been submitted, I cannot be certain that the proposed units would satisfactorily echo the detailed dimensions, profile and appearance of the existing windows. From the information provided, the only valid comparison that can be made is in relation to the width of the glazing bars, which is stated to be 19mm in the existing windows and would be 24mm in the proposed units⁴. Mindful of the multi-pane pattern of the majority of the windows, this increase in width would detrimentally alter the traditional detail, character and appearance of the appeal property's fenestration.
14. These harmful effects of the proposal would be highly visible and readily perceived when viewed from the adjacent public highway.
15. I note the appellant's intention to salvage and incorporate existing historic glass and ironmongery. However, I question whether this would be practically possible. Even if I accepted that it would be feasible, it would not be sufficient to mitigate or justify the harm outlined above.
16. In relation to the existing door, the submitted information cites the existence of wet rot decay within its structure, but provides no robust evidence as to its extent or that the door is beyond repair. Even if I agreed that the door needs to be fully replaced, no large scale drawings have been submitted which confirm that the new 'bespoke' door would entirely match the existing. Whilst I appreciate that this detail could be secured by an appropriately worded condition, its omission compounds my concerns about the proposal.
17. Drawing the above together, the proposed works would fail to preserve the Grade II listed building known as Brock Burn House and attached cottage to left, or any features of special architectural or historic interest which it possesses. Consequently, they would not sustain or enhance, but rather cause harm to, the significance of this designated heritage asset.

Public benefits and balance

18. Paragraph 199 of the National Planning Policy Framework, 2021 (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the

⁴ Para 2.4 Window Condition Survey Report, Ref: BS/22/04, RNJ Construction Consultants, dated January 2022 / proposed detail sections.

heritage asset or development within its setting and that this should have clear and convincing justification.

19. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposed works, I find that the harm in this instance would be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
20. There would be some economic benefits brought about through the manufacture and installation phase as well as the general investment into the property. Additionally, social and environmental benefits would be gained in improvements to the local housing stock, particularly through better fire safety within the appeal property, along with an enhancement of its thermal efficiency and a consequent reduction in its carbon footprint.
21. These outcomes would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The sum of the benefits is considerably moderated by the scale of the proposed works, but still carry weight in favour of the appeal.
22. Nonetheless, I am not persuaded that the only way of securing some or all of the identified public benefits would be via the particular works proposed. Moreover, there is no substantive evidence before me which confirms that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeal were to fail and the works, as submitted, were not implemented. Consequently, I am not satisfied that the resultant harm to the significance of the listed building has been clearly and convincingly justified.
23. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed works, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
24. Accordingly, I find that the proposed works would not preserve the Grade II listed building known as Brock Burn House and attached cottage to left, or any features of special architectural or historic interest which it possesses. As such, it would fail to satisfy the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and the provisions within the Framework which seek to conserve and enhance the historic environment.
25. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan, although relevant provisions can nevertheless be material considerations. From the submitted evidence, I note that the proposed works would conflict with Policies ENV 1, ENV 7 and HOU 9 of the NLP in so far as they seek development to conserve, protect and enhance the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments; conserve and enhance the significance, quality and integrity of Northumberland's heritage

assets; and respect, complement and not have an unacceptable adverse impact on the style and character of the existing dwelling.

Other Matters

26. In support of the appeal, reference is made to the adjoining Brockburn Cottage, and a consent given by the Council in 2011 for the replacement of windows in that property. Mention is also made of non-original windows in other properties nearby. I viewed these properties when on site and noted that some of the windows appear to be modern units. However, the specific details and circumstances of these works and/or consents are not before me, and I cannot be sure that they are directly comparable to the works that are the subject of this appeal. In any event, I have determined the appeal on its own planning and conservation merits and found harm.
27. The Parish Council raised no objections to the application, subject to the proposed windows matching the existing wooden windows and not being uPVC. As outlined above, the proposed units would not match the existing windows in a number of ways. This limits the weight I can attach to this representation.
28. I note the representation by an interested party in support of the proposed works and I acknowledge the benefits which they state the proposal would generate. However, I find that these would not outweigh the identified harm to the significance of this designated heritage asset. As such, it is a neutral consideration in the balance and weighs neither for nor against the appeal.
29. I note the appellant's comments on the time and effort taken in the preparation of the application; on the Council's approach and conduct during the determination of the application; and on the suggested conditions submitted by the Council as part of the appeal. However, of themselves, these are either not matters which are within the remit of my considerations in the context of an appeal under section 20 of the Act or, as I am dismissing the appeal, not matters which I need to consider further.
30. In the final comments the appellant requests further clarity regarding the original application as to the other changes requiring consent, but does not clarify what 'other changes' this refers to. I have considered all of the works proposed as described in the original application and determined the appeal accordingly. Any other works are outside the remit of my considerations as part of this appeal.
31. When on site I noted that the position of window 12 as shown on the drawing 'proposed west elevation' is incorrect. It is imperative that drawings are accurate to avoid uncertainty about what is proposed. However, as I am dismissing the appeal, it has not been necessary for me to consider the accuracy of the plans any further.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR