The Planning Inspectorate

Appeal Decision

Site visit made on 5 July 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2022

Appeal Ref: APP/X1118/Y/22/3292180
Flat 6, 1 Union Terrace, Barnstaple, Devon EX32 9AB

- 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 Mrs Emma Samuelson against the decision of North Devon District Council.
- The application Ref 73481, dated 18 May 2021, was refused by notice dated 15 October 2021.
- The works proposed are to replace rotten wooden sash windows with UPVC windows x4.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council did not find against any statutory development plan policies nor give any reason for refusal within its decision notice. However, the appeal concerns works to a listed building within a conservation area and I am mindful of my statutory duties under s16(2), s66(1) and s72(1) of the Planning (Listed Building and Conservation Areas) Act, 1990. The historic environment policies of the National Planning Policy Framework, revised July 2021 (the Framework) are a material consideration and, although listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004 so do not need to be determined in accordance with the development plan, relevant provisions can also be a material consideration.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building, or any features of special architectural or historic interest it possesses and whether the Barnstaple Town Conservation Area would be preserved or enhanced.

Background and Reasons

Significance and Special Interest

4. The Grade II listed building known as 'Union Terrace, Nos. 1 – 6 Litchdon Street' comprises a terrace of 6 3-storey early 19th century houses. Although just an aid to identification, the statutory list description (List Entry: 1385218) makes specific and extensive note of the fenestration and window details within Union Terrace, including timber French windows, multi-pane sashes, decorative verandas and balconies.

5. I find the special interest of the listed building derives in part from its architectural arrangement, detailing and materials, including traditional timber sash windows. In spite of changes over the years, the listed building strongly reflects a Classically-inspired order and aesthetic. While individual houses within the terrace have different treatments, the central two appear as one entity, giving it symmetrical form as a group. The balanced composition of the terrace adds to the building's significance and special interest. The listed building's contribution within the wider streetscape is also indicative of its wider group value and also adds to its significance and special interest.

6. The side and rear elevations of the listed building are more restrained and evidence of adaptation and alterations over time in contrast to the more characteristically grand and detailed frontage. This includes to No. 1 Union Terrace, which features a 20th century office extension with ground floor car-port and two-storeys above, now flats. The modern extension to No. 1 is of limited architectural or historic interest of itself. That said, it features timber 3-over 6 sliding sash windows with slender timber glazing bars, rendered finish and slate roof which conforms to the material palette of the principal listed building and preserves its special interest.

7. The Barnstaple Town Conservation Area designation encompasses the whole of the town centre and the Council's Character Appraisal (2018) indicates that its significance derives in part from its early origins as a medieval defensive town and subsequent phases of evolution into the 19th century, as well as the historic integrity of its surviving form, buildings and features.

8. The listed building and appeal site falls within 'Area 7 - Summerland Street, Salem Street, Higher Church Street' of the CA, wherein the predominant built form is of two storey domestic terraced properties, brick faced or painted render, and with traditional windows and doors and decorative detailing in the window and door heads. The appeal building's traditional materials, including the timber windows, consequently, makes a valuable contribution to the legibility of the built evolution and historic townscape of the CA as a whole, which adds to its special interest.

9. The appeal works propose the removal of 4 existing timber sash windows at Flat 6 within No. 1 Union Terrace with uPVC replacements. Three on the west-facing elevation and one to the rear.

10. The appellant has not submitted plans showing the dimensions of the existing windows. Nevertheless, comparing the proposed window drawing with the windows as I observed them on site, it is apparent that the overall design and glazing bar arrangement of the replacement uPVC windows would only superficially resemble the existing. Notably, the replacement would not have a sliding-sash mechanism but feature two top-hung elements so that the upper and lower elements would hinge outwards. The submitted drawings appear to show much thicker meeting rail and frames compared with the windows as I saw them, and what appears to be applied rather than integral glazing bars. The form and material of the replacement windows would represent a significant departure from the existing and traditional joinery, which are characteristically timber, sliding sashes and where glazing bars are integral to the construction of the window itself.

11. The replacement windows would be on a later phase of the building, away from its principal elevation and public vantages. I also note that there are different

window styles and materials within the listed building and other properties within the surrounding area. Yet harm to significance does not depend on visibility nor whether a specific element of the building is mentioned in the statutory list description. Furthermore that a specific feature or material such as traditional windows has been lost does not justify further erosion of the building's integrity. Rather, I consider that the proposed replacement windows would exacerbate the proliferation of a non-traditional material and window styles within the listed building, which would be alien to its authentic appearance, integrity and character.

12. My observations during my site visit confirmed that historic joinery adds to the character of the CA as a whole whereby uPVC stands out on historic buildings as uncharacteristic. The use of non-traditional windows as proposed contribute to a further proliferation of non-traditional materials within the CA that would not preserve or enhance its character and appearance but cause harm.

13. For these reasons, I find that the proposed works would fail to preserve the listed building and would cause harm to its significance and special interest. The proposal would, therefore, fail to meet the expectations of s16(2) and s66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (the Act). Likewise, the proposal would cause harm to the special interest of the CA as a whole, contrary to S72(1) of the Act.

14. Under the terms of the National Planning Policy Framework (the Framework), the degree of harm to the significance of the listed building and the conservation area as designated heritage assets would be less than substantial. Paragraph 202 of the Framework requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

15. The case has been made that the replacement windows would help keep noise and cold drafts out and prevent damp and condensation build up within the appeal property. Improvement to the building's thermal efficiency and investment into its fabric, and economic benefits associated with the manufacture and installation phase would be public benefits. However, I have seen no detailed evidence regarding the thermal or noise performance of the proposed windows, nor why this could not be achieved using sympathetic joinery or window design. I have also seen no evidence to convincingly show that the extant windows are beyond repair and incapable of being upgraded. The cost of timber compared with uPVC has not been convincingly justified. Therefore, considering the very short-term nature of the installation phase of the works, means I attribute only limited weight to the cumulative public benefits of the proposal.

16. On the other hand, even less than substantial harm to designated heritage assets carries considerable importance and weight. Therefore, the sum of public benefits of the proposals would not be of sufficient weight to outweigh the harm identified to the listed building and conservation areas as designated heritage assets. The proposals therefore conflict with the heritage protection policies of the Framework. Whilst not determinative, for the same reasons, conflict also arises with the heritage protection aims of, in particular, Policies ST15 and DM07 of the North Devon and Torridge Local Plan 2018.

Conclusion

17. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR