
Appeal Decision

Site visit made on 6 September 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/Y3940/Y/22/3293185

3 Market Place, Warminster, Wiltshire BA12 9AY

- 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 and Mrs B Fitchett against the decision of Wiltshire Council.
 - The application Ref PL/2021/06613, dated 30 June 2021, was refused by notice dated 30 August 2021.
 - The works proposed are described as the "Replacement upper storey windows (retrospective) and replacement shopfront".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 3 Market Place is a listed building in the Warminster Conservation Area and so I have had special regard to Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The original application proposed replacement upper storey windows and shopfront. It was apparent from my visit that although the windows had been installed, the shopfront had not been changed. Notwithstanding this, I have confined myself to the consideration of the appeal proposal before me, rather than what has occurred on site.

Main Issue

4. The main issue is whether the windows and shopfront would preserve a listed building and any of the features of special architectural or historic interest that it possesses, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

5. The appeal property is part of a terrace that forms a long and tall line that frames the northern edge of the footway. Positioned on a busy road in the town centre, 3 Market Place (No 3) is one of a number of historic buildings that occupies a prominent position within the town, being close to the Town Hall and the junction of Market Place with Weymouth Street. The straight and wide nature of the roads provides

long views of No 3, and the property contributes positively to the rich variety of high quality historic buildings that flank the footway. The presence of so many historic buildings, their close relationship to the road, along with the diversity of their public and private uses, creates an attractive, bustling dynamic to the area, all of which forms part of the significance of the conservation area.

6. No 3 contributes positively to the vibrant, historic character and appearance of the town centre. The property has a ground floor commercial use and shopfront, with residential above, and this division of uses is a distinct and repeated aspect of the town centre and a characteristic of the conservation area. The presence of ashlar stone walls, the neo-classical style and hierarchy of the upper floor and its windows, as well as the cornice and parapet detailing that even extends around the side of the building, are all part of the special architectural interest of this listed building. The politely mannered form of this elegant, high status building reflects its prominent position within the town centre, and is part of the historic interest of this listed building.
7. Externally the building shows evidence of change. The shopfront and entrance doors are modern additions, and prior to their replacement, the upper floor windows were four pane sashes. Such windows had a style consistent with Victorian period detailing, with their four pane arrangement, fine glazing bars, and horns. These windows maintained the elegant appearance of the upper floors of the building, as well as being evidence of the layering of external alterations that have occurred to the property over time. Similarly, the works to the ground floor provide evidence of more recent changes that have occurred both to the building and to the area. Many of the nearby historic buildings have modern shopfronts, and that within the ground floor of No 3 has some consistency of appearance with those nearby. The modern shopfront contrasts with the elegant, ordered appearance of the upper floors of No 3, as the shop window arrangements of mullions and transom rails have randomly positioned large glazing panes.
8. The provision of white upvc double glazed windows has an incongruous appearance with the traditional materials and elegant detailing of the upper floors of the listed building. Glass within historic windows can be replaced over time, but in this case, the use of plate glass in every pane creates a flat and monotonous surface, and one that is repeated in every window. This and the double reflection that results from the double-glazing makes the windows appear unduly prominent. The frames have a bulky appearance in part to accommodate the double glazing but also through the use of upvc. The windows have a clumsy dominance that is at harmful odds with the elegant manners of the upper floors of this building. Not only do the windows form a harsh juxtaposition with the high quality form, detailing and traditional materials of the host, but they have a discordant prominence with the timber windows in the buildings either side. The windows harmfully draw the eye, and they not

only harm the special interest of the listed building, but they also detract from the historic upper floor cohesion that is part of the character and appearance of the conservation area.

9. The windows also have horns, and although the windows came from a heritage range, the presence of horns is a Victorian characteristic, rather than a neo-classical feature. The presence of horns on Georgian style sashes serves to exaggerate the incongruous appearance of the windows. Whilst the appellants suggest the horns could be removed, the detail of how this could be achieved has not been provided.
10. Furthermore, the top floor windows are six over six panes. Given the depth of the upvc frames the provision of such windows on the upper floor has a clumsy and squashed appearance that is at harmful odds with the carefully ordered style of neo-classical fenestration. The external, public face of Georgian buildings is deliberately ordered with a diminishing hierarchical status of the floors which is reflected externally in the size of a building's windows. Whilst there are a variety of styles of windows present in nearby buildings, including some with a mix of period styles of windows, in most they have a historic appearance that complements the host building, as well as providing legible evidence of historic change. Whatever the reason for the style and form of the windows chosen by the appellants, the windows are at harmful odds with the appearance of the host and with those within the adjoining buildings.
11. A further consideration of the appellants was to reduce maintenance and noise levels for occupiers of the building. However, even upvc windows require maintaining, whilst noise mitigation and draft proofing can be achieved through measures other than the installation of double glazed units.
12. As regards the replacement shopfront, the existing aluminium one would be replaced by one with a bespoke timber frame with projecting cill and triple mullioned windows. The Council has raised no objection in principle to the shopfront, considering the proposal would be more sympathetic to the character and appearance of the conservation area than the existing shopfront.
13. Notwithstanding this, very few details of the shopfront have been provided to enable an assessment of the works upon both the conservation area and particularly upon the listed building. No cross section drawings have been provided, and consequently the detail of the shopfront, including its glazing, mullions, cill, and relationship to the fabric of the building cannot be assessed. Given the absence of detail, including how it is to be fitted, the impact of the shopfront on the listed building in particular cannot be robustly assessed. Moreover, in the absence of such information conditions could not be relied upon to ensure that the special interest of the building is maintained.
14. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of

designated heritage assets, great weight should be given to their conservation. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given my findings, the works would fail to preserve the special interest of a listed building, nor preserve or enhance the character or appearance of the conservation area. The harms would be less than substantial as the works would affect only part of the building and the conservation area, although these harms would be of considerable importance and weight.

15. Under such circumstances, the Framework advises that where development would lead to less than substantial harm that this harm should be weighed against the public benefits of the proposal. Acoustic and thermal benefits arising from the windows would provide both public and personal benefits, including for the occupiers of the property. In the absence of the detailing of the shopfront whether it would have a public benefit through improving the conservation area and the listed building has not been demonstrated with any degree of certainty. Nevertheless, the public benefits would not outweigh the harms that I have identified, and the continued viable use of the appeal property is not dependent on the works as the building has an ongoing residential and commercial use.
16. On balance the works would neither preserve the special interest of the listed building, nor preserve or enhance the character or appearance of the conservation area. The works would be contrary to the requirements of the Act and objectives of the Framework. Although not determinative in listed building cases, the Council has drawn my attention to the requirements of Core Policy 58 of the Wiltshire Core Strategy (2015). As this policy seeks, amongst other things that development protects, conserves and where possible enhances the historic environment, the works would fail to accord with these objectives.

Conclusion

17. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR