



Appeal Decisions

Site visit made on 19 January 2023

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal A: APP/D3830/W/22/3301611

2 Brickyard Cottages, Street Lane, Ardingly, West Sussex RH17 6UA

- 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 Paul Taylor against the decision of Mid Sussex District Council.
 - The application Ref DM/22/0315, dated 1 February, was refused by notice dated 29 March 2022.
 - The development proposed is 'install replacement windows to property'.
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Appeal B: APP/D3830/W/22/3301870

2 Brickyard Cottages, Street Lane, Ardingly, West Sussex RH17 6UA

- The appeal is made under section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Taylor against the decision of Mid Sussex District Council.
 - The application Ref DM/22/0316, dated 1 February 2022, was refused by notice dated 29 March 2022.
 - The work proposed is 'install replacement windows to property'.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. As the proposed works are in a conservation area and relate to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appellant's statement suggests that modifications could be made to the proposal and secured through conditions. These modifications would include the retention of three existing front elevation windows (1, 7 & 8 as shown on 'the existing and proposed elevations' plan) along with window (1) in the rear elevation, to replace the other front elevation window (2) with a single glazed flush casement, whilst replacing the remaining windows (3, 4, 5, 6, 9, 10, & 11) in the side and rear elevations with separately glazed, double glazed, flush casements. No revised drawings have been provided other than alternative glazing bar profile options.
4. Whilst acknowledging the desire of the appellant to seek to find an acceptable scheme, these alternative options would amount to a material change to the

original proposal. The relevant appeals guidance¹ says that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Furthermore the suggested amendments would lead to a lack of clarity and certainty as to what is being considered as part of the appeal and potentially approved were the appeal to be allowed. I have therefore considered the appeal on the basis of the proposals and drawings that were before the Council when it determined the applications. The appellant has the option of submitting further revised applications to the Council.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, 'Brickyard Cottages, 1 and 2, Street Lane' (Ref: 1286530), and any of the features of special architectural or historic interest it possesses and the extent to which it would preserve or enhance the character or appearance of the Ardingly Conservation Area (the Conservation Area).

Reasons

6. The listed building is thought to date from the 17th century. It was listed in 1983. The evidence indicates that it remained as a single dwelling until the early 20th century. No. 2 (the appeal property) has been considerably extended and altered (both externally and internally) including post 1977 two storey side and single rear extensions and the later addition of a rear conservatory. The two storey extension matches the refaced building with red brick and tile hung above. The majority of the existing windows at No.2 are storm-proof casement windows dating back to the extensive late 1970's extension and alteration works. Taking account of the appearance and construction, the two front first floor casement windows (7 & 8) and higher level rear window (12) appear to date from earlier in the 20th century.
7. No.1 has had a two storey rear extension in the 1990s. No.1 Brickyard Cottages (forming the other half of the listed building) also predominantly contains existing single glazed casement windows, with a front shallow bay window at ground floor level.
8. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the history of its development, its design and construction.
9. The Conservation Area includes the mainly historic core of the village comprising a varied mixture of traditional residential and some commercial and institutional buildings. In the vicinity of the appeal property, the buildings on the south side of Street Lane, including the appeal building, comprise a mixture of traditional buildings of different forms and of an aesthetic charm that contribute positively to the character and appearance of the village. Whilst there are several examples of more modern windows on existing properties, the significance of the Conservation Area, insofar as it relates to these appeals, is primarily associated with the contribution of the traditional properties fronting Street Lane, to its overall historic richness and charm.

¹ Annexe M of the Procedural Guide: Planning appeals – England (updated 21 December 2022)

10. The replacement windows, replacing all but the existing conservatory windows, would be timber double glazed within the existing openings, including applied glazing bars and spacers. Whilst the appellant states that the planted glazing bars would match the profiles of the existing bars, the double glazed window units would be noticeably deeper than a single plane of glass and the glazing bead would be deeper, resulting in a considerably different appearance to traditional single glazing with functional bars. The resulting double reflections, from both inside and outside, would add to the incongruity of the windows. This would result in a standardised and rather lifeless appearance and would appear as being discordant alterations including when viewed alongside the existing windows in the other half of the building (No.1).
11. The replacement of windows 7, 8 and 12 would result in particular detriment to the appearance and special interest of the building given that these least offend the historic architectural qualities of the building. However, whilst the remaining windows to be replaced are more recent and do not add to the special interest of the building, this does not justify their replacement with the double glazed windows proposed which, in view of the existing windows, would lead to a relatively small yet still appreciable adverse effect on the special interest of the listed building which is a nationally important building.
12. Despite some existing variations, the use of different windows across the listed building as a whole would also lead to an inconsistent appearance that would not be appropriate in this instance given that the two storey extended element has been designed and is viewed as a constituent part of the main building rather than as a more subordinate addition.
13. Several of the existing windows appear to be in a poor condition. However, where this is irreversibly so, there need be no preclusion to their replacement in a more appropriate form than proposed here.
14. The existing rear conservatory and front doors to both Nos. 1 and 2 incorporate double glazing. However, there is no evidence of approval being secured for the front doors and in any case they are separate components of the building from the windows. Furthermore, the conservatory is a standalone addition that is distinct from the main fenestration pattern of the building and does not provide any significant justification for the use of the double glazed units proposed elsewhere.
15. Whilst the side and particularly the rear elevations are less prominent than the front elevation, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
16. Although double glazed windows have been recently approved at the nearby listed Oak Inn, these only relate to the recent modern addition to that building with single glazed windows used for the remainder. In contrast, the side extension of the appeal property is viewed as a more coherent part of the building, rather than as a clearly contrasting modern addition. There are examples of other properties within the Conservation Area that have double glazed windows. However, I do not have details of the particular circumstances of these including any approvals sought and, in any case, these tend to exemplify the difficulties of inserting double glazed window units in historic buildings, including listed buildings.

17. I have also considered the two appeal decisions referred to by the Council. As the appellant suggests, the particular circumstances and details differ from this proposal. However, despite the different detailed circumstances, my overall conclusions remain the same as in those appeals albeit based on the particular circumstances and the evidence of the appeals before me.
18. Given all the above, I find that the proposals would fail to preserve the special interest of the listed building. Their adverse effect on the appearance of the building, particularly the front elevation would also fail to preserve the significance of the Conservation Area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.

Heritage Balance

19. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that the significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification. Given that the proposals would not harm the original fabric of the building or alter the overall fenestration pattern and the property is one of many within the Conservation Area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm would be weighed against the public benefits of the proposal, which includes the securing of the optimal viable use of listed buildings. The appellant considers that the improved thermal performance of the building would benefit the energy efficiency of the property. It may also prevent or reduce existing problems for the occupiers from mould and dampness. However, it appears likely that these benefits could still accrue to some extent from more suitable options for window repair and maintenance. Also, the continued viable use of the property as a residential dwelling is not dependent on the proposals as the existing residential use would not otherwise cease. Any public benefit therefore would be modest and would be outweighed by the harm I have identified.
21. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, as well as the character and appearance of the Conservation Area. The proposal would therefore fail to satisfy the requirements of the Act, paragraph 197 of the Framework and would conflict with the heritage aims of Policies DP34, DP35 of the Mid Sussex District Plan 2014-2031 (March 2018) and ARD9 of the Ardingly Neighbourhood Plan 2013 - 2031 (November 2014). As a result the proposals would not be in accordance with the development plan.

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

David Cliff

INSPECTOR