



Appeal Decision

Site visit made on 23 March 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/Y3940/Y/22/3299328

44 High Street, Downton, Wiltshire SP5 3PJ

- 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 David Nellis against the decision of Wiltshire Council.
 - The application Ref PL/2022/00862, dated 2 February 2022, was refused by notice dated 8 April 2022.
 - The works proposed are replacement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 36 to 44 High Street are grade II listed buildings, within the Downton Conservation Area. As required by Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of the conservation area.

Main Issue

3. The main issue is whether the replacement windows 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

4. 44 High Street (No 44) is part of a terrace of listed buildings within a long row of houses to the southern side of the road. This end of terrace house is on the corner formed by the junction of the High Street with Moot Lane, and given this it is a prominent building in the area. The listed terrace fronts the public footway whilst to the rear there is a shared driveway that provides public views of the back elevations of these houses.
5. Although there have been changes to the rear elevation of the terrace over time, including extensions and changes to fenestration, the houses have maintained their historic integrity as a traditionally constructed and

styled row of cottages. The use of an attractively rich coloured red brick, the repeated style of windows and doors on the front elevation, the modest size of the rear windows, and the use of plain tiles on the roof gives the terrace a cohesive appearance. Reflecting its end-of-terrace position, No 44 has a windowless flank wall, with a half-hipped roof, and an imposing chimney stack. These features are all part of the special interest and significance of these listed buildings. This includes the deliberate and distinct differences that are found between the carefully considered and mannered public face of the front of the terrace, compared to the more modest style found to the rear.

6. The use of brick and tile is a repeated aspect of the character and appearance of the conservation area, and one which creates an attractive visual cohesion. The formal public frontages of the buildings along the High Street with their more modest, bespoke rears is another distinct feature of the conservation area. This distinction reflects the functional and social importance of the High Street, and given the style, materials and form of the terrace, it is one of several historic buildings that makes a positive contribution to the high quality, cohesive, historic character and appearance of the conservation area.
7. There are three windows in the rear of No 44, the largest being on the ground floor. The appellant has provided little definitive evidence of the age of the windows, albeit referring to the ground floor window as having been installed in the 1980s. This window is a six-pane casement, with the two windows on the floor above having top hung openings above an undivided pane, one of which is obscure glazed.
8. The proposed windows would be double glazed timber units, with that on the ground floor being a large, undivided pane casement. The change of style of window on the ground floor would detract from the historic appearance of the terrace. The provision of two large undivided double glazed windows would not only erode the traditional appearance of the building, but the double reflection and bulky dimensions of the frames would be readily apparent from the public realm, and particularly so as No 44 is at the end of the terrace with the windows being very close to the public highway.
9. Although the windows on the top floor would have a similar style to those they would replace, the increased bulk of the frames would have a clumsy prominence that would detract from the modest appearance of the rear of the host building. Furthermore, the use of taffeta obscure glazing would have a conspicuously ornate and contemporary appearance that would be at harmful odds with the traditional materials and the plain style of the rear that is part of the special interest of the terrace. Consequently, the windows would not only harm the special interest of the listed building, but would also detract from the historic cohesion and the contribution the terrace makes to the conservation area.

10. The appellant has referred to the variety of ages and styles of windows elsewhere in the rear elevation of the terrace, including a glazed roof at 42 High Street. However, I have no evidence before me explaining the presence of the glazed roof, and the other large undivided paned windows in the terrace have a legible contemporary appearance. Furthermore, most of the larger windows on the ground floor of the terrace are multi-paned, and they consequently have a more traditional appearance than the large paned windows. The installation of the proposed windows would be a strident contrast with the other small paned large windows and thereby the historic appearance of the terrace. Even those houses with modern multi paned windows are more sympathetic to the historic form of the terrace than the appeal proposal.
11. 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 windows would fail to preserve the special interest of the listed building, nor preserve or enhance the character or appearance of the conservation area. These harms would be less than substantial as the works would affect only part of the building and the conservation area. Nevertheless, these harms would be of considerable importance and weight.
12. 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. The appellant considers the replacement windows would be more secure and provide increased energy efficiency and reduce carbon emissions. The former would be a personal benefit for the appellant, whilst public and personal benefits would derive from energy efficiency. The latter would be a small public benefit but 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 use.
13. Whilst a key aim of the Framework is to achieve sustainable development, including meeting the challenge of climate change, when read as a whole the Framework does not suggest this should happen at the expense of other considerations, particularly as the Framework attributes great weight to the conservation of designated heritage assets. It might be the case the existing windows are beyond repair, but that does not justify their replacement with windows that would unacceptably harm designated heritage assets. Historic England's guidance, Energy Efficiency and Heritage Buildings provides advice on improving the energy efficiency of existing buildings, but a fundamental requirement of this guidance is that such measures avoid harm to the significance of the building. For the reasons given above, the windows would not accord with the objectives of this guidance. Moreover,

improved security, weather proofing and thermal efficiency could be achieved through a variety of alternative measures, including more traditionally styled windows.

14. 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 Policies 57 and 58 of the Wiltshire Core Strategy (2015). As these policies seek, amongst other things to enhance local distinctiveness by responding to the historic environment, and that development that protects, conserves and where possible enhances the historic environment, the works would fail to accord with these objectives.

Other Matters

15. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

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

J J Evans

INSPECTOR