



Appeal Decision

Site visit made on 5 June 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/C1570/Y/22/3310582

10 Church End, Dunmow, Essex CM6 2AF

- 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 Ms Sarah Eley against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2083/LB, dated 27 July 2022, was refused by notice dated 12 September 2022.
 - The works proposed are described as 'replacement of existing rotten front sash window and replacement of existing rotten window in the bedroom at the rear of the house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site (No 10) forms part of a terrace of early 19th century cottages, which collectively comprise the Grade II listed building named 2-16 Church End¹. The site is also located within the Church End Conservation Area. Accordingly, 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. Listed building consent is sought for the replacement of the front window and rear window at first floor level at No 10. Amended drawings have been submitted with the appeal, which show windows that differ markedly in size and design to those that were before the Council when it made its decision and upon which interested parties' views were sought. In the interests of fairness, I have considered the proposal based on the drawings on which the Council based its decision. If the appellant considers that alternate windows would address the Council's objections to the proposal, a fresh application for listed building consent should be submitted.

Main Issues

4. The main issues are whether the proposal would preserve the listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

5. The listed building as an entity comprises a terrace of eight cottages that are accessed from a shared driveway off Church End. According to the statutory list description the listed building dates from the early 19th century, is timber

¹ List Entry Number: 1142505

framed and plastered, and originally would have had identical units with one square double hung sash window with moulded surround and square on the first floor over a similar window.

6. Today, the front elevation of the listed building features consistently sized and positioned window openings, the majority of which have retained traditional ten-over-ten, single glazed, painted timber sash windows within moulded surrounds. The rear elevation has more varied features, with several of the cottages having been extended. The first floor rear windows differ in style but are similarly sized and positioned, with most being painted timber casements.
7. Based on the information available and my observations on site, and in spite of changes to the fenestration and glazing over time, I find that the special interest of the listed building as a whole to be primarily derived from its architectural and historic interest as a terrace comprising cohesive and modestly sized vernacular cottages. Adding to the listed building's significance is the overall consistency of traditional materials and detailing, including the broadly coherent pattern and form of its fenestration. Although some of the windows are in deteriorating condition, this does not detract from their contribution to the significance of the listed building.
8. Situated mid-way along the terrace, No 10 is an integral part of the listed building. It has a traditional sash at the front elevation and a single glazed, painted timber casement at the rear. Whilst the rear window may not be original and feature a modern stay, its fastener, finish and general appearance indicate that it may be of some vintage. The windows at No 10 add to the authenticity of the traditional features and vernacular form of the listed building as a whole and its overall group value.
9. The conservation area principally encompasses land accessed from Church End and Church Street. Its significance is derived in part from the high proportion and architectural richness of the historic buildings within it which, according to the Council's Conservation Area Appraisal², mainly date from the 14th to 19th centuries. Notably, many of the buildings have sash or casement windows that in some cases appear to be original features.
10. The listed building including No 10 are highly prominent within the conservation area on approach from both directions along Church End. Furthermore, views of the rear of the terrace including No 10 are gained from a footway that extends alongside No 2 and connects to St Edmunds Fields. As such, No 10 and the wider listed building are a valuable part of the historic built backcloth of the traditionally detailed vernacular buildings within the conservation area. Therefore, the listed building including No 10 contribute positively to the character and appearance of the conservation area as a whole.
11. The proposal would install a new six-over-six double glazed replacement sash window to the front elevation of No 10. Additionally, two double glazed replacement casement windows are proposed to the rear that are shown to have four panes each, albeit glazing bars would be affixed directly to the glass.
12. The proposed sash window would introduce an alien pattern of fenestration mid-terrace and fail to correspond with the dominant pattern of ten-over-ten sash windows that characterise the listed building's primary elevation.

² Uttlesford District Council Great Dunmow Conservation Area Appraisal and Management Proposals (2007)

Additionally, the proposed rear window would only superficially appear more like other windows in the terrace than the existing one and the proposed timber elements would appear disproportionately thick, particularly where the stiles would meet the mullion. The replacement of the existing sash window would also result in the loss of an element of traditional fenestration that adds to the coherent pattern, form and thus special interest of the listed building.

13. Overall, the proposal would fail to respect the broadly consistent pattern of fenestration, traditional materials and detailing that is of value to the special interest and significance of the listed building as an entity. The proposal would thus fail to preserve the special architectural and historic interest of the listed building, contrary to the expectations under section 16(2) of the Act.
14. Furthermore, for the above reasons, the replacement windows would fail to respect the traditional authenticity of No 10 and the wider listed building to the detriment of the character and appearance of the conservation area as a whole. The proposal would therefore conflict with section 72(1) of the Act.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts to the significance of designated heritage assets, great weight should be given to the asset's conservation. In this case the arising harm to the listed building and conservation area as separate designated heritage assets would, in each case, be less than substantial in the terms of the Framework. In such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimal viable use.
16. I note the changes the listed building has undergone over time, include to its fenestration. In addition, the appellant contends that the condition of No 10's windows has reached a state of deterioration where the timber is failing to support the glazing and is collapsing. It is also advanced that various carpenters have been contacted and none are willing to quote for repair work to be undertaken. However, there is no firm evidence as to the extent of any rotten or otherwise failing elements or that such could not be removed and replaced so as to retain the majority of the windows. Accordingly, these matters do not justify the harm identified.
17. The appellant also asserts that the proposed windows would be more durable than the existing ones and result in No 10 benefitting from improved insulation, which would lead to reduced energy consumption. There would be some public benefits deriving from investment into the fabric of the listed building and, potentially, from improved thermal efficiency. However, there is no information to suggest the proposal would be the least harmful means of achieving such benefits, nor that they are necessary to secure the listed building's optimum viable use. Bearing in mind that even less than substantial harm to a designated heritage asset is a matter of considerable importance and weight, the public benefits are not sufficient to outweigh the harm I have found.
18. In conclusion, the proposal would fail to preserve the special architectural and historic interest of the listed building and the character and appearance of the conservation area, contrary to the Act and the historic environment protection policies within the Framework. Additionally, insofar as it is relevant as a material consideration, the proposal would conflict with Policy ENV2 of the

Uttlesford Local Plan, which states that alterations that impair the special characteristics of a listed building will not be permitted.

Conclusion

19. For the reasons given above, the appeal should be dismissed.

Mark Philpott

INSPECTOR