



Appeal Decision

Site visit made on 5 September 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2023

Appeal Ref: APP/F0114/D/23/3315796

276 High Street, Batheaston, Bath BA1 7RA

- 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 Mrs Blaxter against the decision of Bath & North East Somerset Council.
 - The application Ref 22/03918/FUL, dated 28 September 2022, was refused by notice dated 23 November 2022.
 - The development proposed is for four replacement windows to the front of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks planning permission to replace four windows to the front of 276 High Street, a Grade II listed building situated within the Batheaston Conservation Area (CA). I am mindful of the duties in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Notwithstanding some references to a listed building consent application¹, no corresponding appeal is before me in relation to that application. The scope of my determination concerns only the refusal of planning permission.
4. Since the Council made their decision, the Local Plan Partial Update for Bath and North East Somerset Council (LPPU) was adopted in January 2023. Both parties have been given the opportunity to comment on the LPPU during the appeal. The Council has not cited any development plan policies on its decision notice. However, it does refer to conflict with some policies in its delegated report. I have had regard to that when making my determination.
5. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeal. The historic environment policies have remained unchanged within the new version of the Framework, which is a material consideration in planning decisions.

Main Issue

6. The main issue is the effect of the development on the significance of the Grade II listed building known as Riverside, 276 High Street (Listed Entry Number: 1320530) (the listed building) and any of the features of special

¹ Reference 22/03919/LBA

architectural or historic interest that it possesses; and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

7. The listed building is a terraced property broadly comprised of two components. The main body is a late 18th century, 2-storey house constructed in Bath stone ashlar, connected to a smaller, later 19th century wing fronted constructed mostly in rubble. The principal structure is 2 windows wide, featuring a cornice, cill band and with the roof set behind a parapet. The later wing is separated by the main door, above which there is a set back at first floor level. Both present directly onto the High Street and feature in a varied series of 2-3 storey vernacular buildings, that are predominantly constructed from similar stone.
8. The significance and special interest of the listed building is largely drawn from its attractive façade, that primarily reflects the classical architectural aesthetic prevalent in the 18th century. In addition, the incorporation of a later wing reveals how the house was adapted over time.
9. The main body of the listed building possesses a symmetrical façade, within which the position, proportions and detailing of the fenestration would have been an integral part of the original architecture. The openings evident in the frontage of the later wing are less regular but provide a visual counterpoint to the main section. The windows in the building's frontage include a traditional six-over-six sliding timber sash on the first floor. This, along with other fenestration in traditional materials and manufacture reinforce the building's architectural integrity. As such, they are an important component of the listed building's special interest and significance.
10. However, some of the windows are later replacements, including three in the frontage of the main house and on the first floor of the wing. These have introduced uncharacteristic materials and glazing patterns including double-glazing, aluminium and internal glazing bars. The non-traditional construction gives them an inauthentic profile and finish. The three windows in the main house have internal plastic glazing bar inserts, which in one case have discoloured to a brown colour. Hence, the existing four windows owing to their modern characteristics have an unsympathetic appearance. Overall, these later windows fail to reflect the materials or method of manufacture of authentic traditional timber sashes. Accordingly, they undermine and detract from the listed building's special architectural interest.
11. The CA covers central, broadly linear areas of Batheaston along the High Street and Northend. These roads are generally characterised by a sense of enclosure from the 2-3 storey attractive vernacular buildings and/or walls that line them. The influence of natural features is felt within the CA as the topography and River Avon have played a role in shaping the alignment and level of the streetscape. The sense of enclosure contrasts pleasingly with the surrounding countryside that can be glimpsed between buildings and often over roofs. The widespread use of Bath stone results in a strong and distinctive visual coherence. Interest and beauty are provided by the variety in height, form and quality of the architectural detailing of individual buildings. Therefore, the significance and special interest of the CA as a whole is drawn, in part, from

the architectural quality of its attractive, largely vernacular townscape underpinned by a coherent material treatment and detailing, including traditional timber sash windows.

12. The architectural form and detailing of the frontage of the appeal site, including its surviving traditional timber sash window in the main body, are entirely consistent with the built backcloth that characterises the local built form. It directly addresses the High Street and sits forward of its neighbour, and thereby, occupies a conspicuous central position, close to the junction with Penthouse Hill, the alignment and elevated height of which allows for views towards the façade of no.276 when descending to the High Street.
13. Consequently, the appeal site forms an integral component in Batheaston's streetscape. While the extant aluminium windows at the appeal site weaken the quality of the building's façade to the detriment of the CA's townscape, they are read as clearly later insertions. As such, it makes a positive contribution to the character and appearance of the CA as a whole, and to its significance as a designated heritage asset.

The effect on the listed building and CA

14. The proposal would introduce four timber replacement double-glazed sash windows in the front elevation of no.276, three in the main 18th century body of the house and one at first floor level in the 19th century wing. The four windows to be replaced are presently double-glazed aluminium framed windows, which do not possess historic or architectural value, and so their removal would not be intrinsically harmful.
15. However, the proposed replacement timber sash windows would comprise doubled glazed sealed units 24mm thick. Such dimensions would require a relatively bulky frame resulting in a heavy profile that would contrast harmfully with the more refined surviving timber sash window within the main frontage. As an important and obvious feature of the architectural composition of the building, the standardised manufactured appearance and cruder profile of the replacement windows would be clearly visible, obviously detracting from the overall quality and architectural integrity of its frontage.
16. Moreover, glazing bars are proposed in all four replacement windows, which would be applied to the surface of the sealed units unlike traditional integral glazing bars. In comparison to the construction and joinery used in the glazing bars of traditional timber sash windows, they would lack authenticity in functional and visual terms. This would further emphasise disparity with the traditional timber sash. Hence, the replacement windows would be poorly suited to reinforcing the architectural significance of the building, even if they would be of timber rather than aluminium material.
17. Consequently, the proposed replacement windows would fail to preserve the special architectural and historic interest of the Grade II listed building, leading to conflict with section 66(1) of the Act.
18. In terms of the effect of the CA, the overall form and construction of the proposed replacement window would exacerbate the proliferation of non-authentic fenestration. The disparity between the windows on the appeal site's frontage would therefore introduce timber, but nonetheless a-typical detailing

that would fail to preserve or enhance the character or appearance of the CA as a whole. Conflict would therefore also arise with section 72(1) of the Act.

19. Notwithstanding the use of timber, the proposed replacements would not wholly resolve the harmful impact of the extant windows but would, in my judgement subtly exacerbate that harm. Paragraph 197 of the Framework states that local planning authorities, and by extension an Inspector, should take account of the desirability of new development making a positive contribution to local character and distinctiveness. It follows that the proposal would cause harm to the significance of both the listed building and the CA as designated heritage assets. However, given the relatively minor nature of the proposal, this would cause less than substantial harm in both instances.
20. Nevertheless, paragraph 199 of the Framework stipulates that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. While paragraph 202 indicates that this harm should be weighed against the public benefits of the proposal.

Heritage balance

21. The appellant emphasises the unsympathetic appearance of the present four windows and considers that the proposed windows would be more in-keeping. Reference is also made to improvements to the quality of life of the occupants of the appeal site due to better thermal efficiency, draught proofing, sound insulation and security associated with upgraded windows. The benefits of minimal maintenance are also highlighted.
22. I have already stated that the removal of inappropriate windows at the appeal site would not, of itself, be harmful. I acknowledge there would be some public benefits derived from the general investment into the fabric of the listed building, and although not quantified, there are wider environmental public benefits associated with the improved energy efficiency of buildings. However, there is very little evidence before me to indicate that the design of the replacement windows would be the only way of securing the public benefits, and consequently, less harmful ways of achieving similar public benefits cannot be ruled out. Even if Batheaston Parish Council resolved not to oppose the application, the absence of an objection does not indicate express support and does not hold any weight as a public benefit.
23. Therefore, I attribute the sum of public benefits associated with the proposal limited weight in its favour. Conflict therefore arises with the historic environment protection policies in the Framework.
24. Furthermore, the proposal would be contrary to policy CP6 of the Council's Core Strategy, July 2014 and policies D2, D5 and HE1 of the Council's Placemaking Plan, July 2017. These policies when read together, amongst other matters, seek development that avoids harm to local character and distinctiveness and support development which enhances the significance of heritage assets. They state that proposals should conserve the historic environment unless the harm is justified by public benefits.

25. The Council's Energy Efficiency, Retrofitting and Sustainable Construction, Supplementary Planning Document, January 2022 (SPD) is generally supportive of measures that would assist in making buildings more energy efficient. However, it stipulates that such measures must be sensitively done where historic buildings are concerned and in a manner that safeguards the special characteristics of heritage assets. In this respect the approach resonates with the advice from Historic England cited by the appellant. The SPD goes on to give advice in relation to the use of slim profile double glazing in heritage assets, which is of direct relevance to my determination. It states that the section of the glazed units should be no greater than 12mm. Furthermore, the thickness and profile of timber glazing bars should try to replicate the original glazing bars, avoiding applied glazing bars. The proposal therefore fails to conform with the guidance in the SPD.
26. On balance, therefore I find that the development would conflict with the statutory provisions set out in the Act, the historic environment policies within the Framework, as well as heritage and design policies in the development plan. Planning law² requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have not found material considerations that would justify taking a decision other than in accordance with the development plan.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR

² Section 38(6) Planning and Compulsory Purchase Act 2004 & section 70(2) Town and Country Planning Act 1990