



Appeal Decision

Site visit made on 20 September 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/W3520/Y/21/3283672

The Dragons, Withersdale Road, Mendham, Harleston, Norfolk IP20 0JB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
- The appeal is made by Mr Simon Rusby against the decision of Mid Suffolk District Council.
- The application Ref DC/21/02269, dated 8 April 2021, sought approval of details of fenestration pursuant to condition No 3 of listed building consent Ref DC/19/05976 granted on 11 March 2020.
- The application was refused by notice dated 17 June 2021.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the details submitted pursuant to the condition address its requirements, with regard to whether the proposed windows would preserve a Grade II listed building, 'Nine Dragons'¹, and any of the features of special architectural or historic interest that it possesses.

Reasons

3. The appeal concerns 'Nine Dragons', a Grade II listed² house of late-16th or early-17th Century timber-framed and plastered construction, beneath a thatch roof. It also incorporates 18th and late-20th Century additions to its side and rear, each with tiled roofs. The latter is a considerable wing added prior to its listing. The listing description refers to large-paned casement windows in the mid-20th Century, but there are others to the rear, including those in the rear wing that are storm proof windows, and some contain fanlights.
4. Despite significant extension to its rear and some alteration of windows, as far as it is relevant to the appeal before me, the special interest of the listed building is to be found in its architectural and historic interest, as a late-16th or early-17th Century thatched house. Its thatch roof and palette of vernacular materials contribute to its understanding and significance as a heritage asset.
5. The appeal scheme includes details required to meet a condition imposed on consent to replace twelve windows in the rear wing. It is proposed the existing secondary-glazed storm proof windows would be changed to double-glazed storm proof windows, some of which would also include fanlights.

¹ The property now goes by the name of 'The Dragons'.

² List Entry Number: 1352184.

6. The existing windows in the rear wing contrast with those in the older parts of the house and need replacement, but they are of simple modern configuration that does not detract from the form and appearance of the listed building. I do not find the notion of utilising replacement windows of simple appearance to be misplaced. However, the form and proportions of the proposed windows would jar with the historic windows in the building. In particular, the use of fanlights in conjunction with other openings would break up the fenestration of the rear wing in a rather cumbersome and inharmonious way.
7. The proposed windows would therefore harm the special interest of the listed building. Moreover, while they would only be visible from within its grounds, the whole of the building is listed for its intrinsic architectural and historic interest. As such, visibility or not of the windows would not be a determining factor as to whether they would preserve its special interest.
8. The statutory duty in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight, as are the aims of Framework paragraphs 197, 199 and 200.
9. The proposed windows, including their use of fanlights, could improve the living conditions for occupants of the house through, amongst other things, improved circulation of air and its quality, and reduced moisture retention, humidity, and ingress. They could also improve security and avert damage to windows by wind. The replacement of windows in a poor condition and reduction in heat loss and minimisation of energy consumption, considering climate change, would also be heritage and environmental benefits. These would all help to sustain the listed building, but there is no substantive evidence before me to suggest other fenestration has been explored or would not be equally effective at addressing such matters. Hence, these benefits are each of limited weight.
10. Taking the above stated benefits together, they would not justify use of the proposed windows as these would fail to preserve the special interest of the listed building. In accordance with paragraphs 199 and 202 of the Framework, considered together, I am therefore not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and considerable importance and weight to the less than substantial harm identified to the special interest of the asset.
11. For the above reasons, I conclude that the proposed window details submitted pursuant to the condition do not address its requirements and would fail to preserve the Grade II listed building. Hence, they would not satisfy the duty under the Act, and would conflict with the heritage aims of Framework paragraphs 197 and 199.

Conclusion

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

Paul Thompson

INSPECTOR