



Appeal Decisions

Site visit made on 10 November 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2023

Appeal A Ref: APP/C1570/W/22/3311824

4 Church End, Great Dunmow, Essex CM6 2AF

- 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 Gary Rose against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1376/HHF, dated 15 May 2022, was refused by notice dated 5 September 2022.
 - The development proposed is to change the two existing wooden windows at the front of the property and the front door for new wooden sash windows and a cottage style wooden front door.
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Appeal B Ref: APP/C1570/Y/22/3307225

4 Church End, Great 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 Mr Gary Rose against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1377/LB, dated 15 May 2022, was refused by notice dated 7 September 2022.
 - The works proposed are to change the two existing wooden windows at the front of the property and the front door for new wooden sash windows and a cottage style wooden front door.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The appeal site relates to 4 Church End, which is part of a terrace of early 19th century cottages that together form a single Grade II listed building, identified as 2-16 Church End¹. The site is also within the Church End Conservation Area. The scheme is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B). I have dealt with both appeals together in this letter to avoid repetition and, in doing so, borne in mind the relevant statutory duties at sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are whether the proposed development and works would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses, and whether the character or appearance of the conservation area would be preserved or enhanced.

¹ List Entry Number: 1142505

Reasons

4. The terrace forming the listed building is accessed from a driveway off Church End. It is timber framed and plastered and, as set out in the statutory list description, the cottages would have once been identical. A high degree of consistency remains evident to this day, with most featuring traditional ten-over-ten, single glazed, painted timber sash windows with moulded surrounds. There is more variety to the entrance doors and their surrounds but most feature small windows and canopies.
5. I find that the special interest and significance of the listed building as a singular entity is derived principally from its architectural and historic interest as a terrace of cohesive vernacular cottages. The prevailing consistency of its traditional detailing and materials, including the fenestration across the front elevation, are important contributing factors in that regard, even though changes to the terrace's windows and doors have occurred over time.
6. No 4 is located towards one end of the terrace. It features casement windows to its front and in that sense differs from most of the other cottages. Nonetheless, the windows are single glazed, multi-paned and timber framed, and in those respects add to the authenticity of the traditional features and vernacular form of the listed building, and contribute positively to its overall special interest and significance and group value. However, in contrast with the terrace's other front doors, the one at No 4 is highly glazed and makes a limited contribution to the special interest and significance of the listed building as an entity.
7. The conservation area incorporates Church End and Church Street. Having regard to the Council's Conservation Area Appraisal², its special interest and significance is informed by the variety and quality of the historic buildings within it, including many that have traditional and in some instances seemingly original sash or casement windows. The listed building is highly prominent when travelling along Church End and makes a significant contribution to the variety and quality of the conservation area's historic environment. Although No 4 varies from the other cottages as identified above, it nevertheless prevails as a traditional vernacular cottage that forms part of the listed building and contributes positively to the character and appearance of the conservation area as a whole.
8. The proposal seeks to replace the windows at the front of No 4 with double glazed, sliding sash timber windows with weights and cords. In addition, the front door would be replaced with a timber panelled front door with a small window.
9. Based on the evidence before me, the proposed windows would comprise a conventional insulated glass unit of 24mm and so be thicker than the glazing in the existing windows at No 4 and the other cottages' traditional sash windows. Additionally, while the scheme would superficially appear to include ten-over-ten sash windows, glazing bars are proposed to be affixed to each glass unit and thus the windows would not feature multiple individual panes like the existing windows at No 4 or the majority of the cottages. Furthermore, the drawings indicate that the sections of glass between each bar would be tall and rectangular and thus contrast negatively with the more squarely proportioned

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

panes present in the sash windows elsewhere across the façade. In these ways, the replacement windows would fail to reflect the terrace's traditional sash windows. Moreover, the detailing and appearance of the proposed windows would harm the special interest and significance of No 4 and the wider listed building as an entity.

10. Furthermore, the proposed windows would have a degree of prominence within the conservation area, but not respect the authenticity of the listed building for the reasons identified. I therefore cannot agree that the scheme would either preserve or enhance the character or appearance of the conservation area as a whole. Instead, there would be harm to its special interest and significance.
11. The Council has not raised any objections to the replacing the existing door and I consider that the proposed door would be in keeping with the doors to the other cottages. I therefore conclude that this element of the scheme would preserve the special interest and significance of the listed building as an entity and the character and appearance of the conservation area as a whole.
12. Nevertheless, as a result of the proposed replacement windows, the scheme would fail to preserve the listed building and the features of special architectural or historic interest which it possesses, and the character and appearance of the conservation area. Consequently, the proposed development and works conflict with sections 16(2), 66(1) and 72(1) of the Act.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. Having regard to the nature of the scheme and the impacts on the significance of the designated heritage assets, the harm in each case would 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 a heritage asset's optimum viable use.
14. The appellant sets out that they have experienced difficulties finding suitable companies to replace the windows and that the one appointed does not make single glazed replacements, which are allegedly not thermally efficient or secure. It is also put forward that the windows and door are rotting, drafty and causing mould and damp issues. However, there are no clear technical reasons why sensitively designed traditional sash windows cannot be created that would reflect others in the terrace. Whilst the proposed scheme would likely improve the cottage's thermal efficiency and reduce energy demand, and in these respects may provide some public benefits, there is no evidence indicating that the scheme would be the least harmful means of achieving those benefits. Furthermore, the cottage is already in its optimum viable use as residential accommodation.
15. Overall, the sum of the public benefits is insufficient to outweigh the great weight that even less than substantial harm to a designated heritage asset carries. Consequently, the scheme conflicts with the heritage policies within section 16 of the Framework. Furthermore, it is contrary to policies ENV1 and ENV 2 of the Uttlesford Local Plan, which set out that schemes will be permitted where the character and appearance of the essential features of a Conservation Area would be preserved or enhanced, and resisted where the special characteristics of listed buildings would be impaired. It also fails to accord with

policy LSC1 of the Great Dunmow Neighbourhood Plan, which supports schemes that contribute positively to the quality of an area.

Conclusions

16. The proposed development and works would harm the special interest and significance of the listed building and conservation area, in conflict with the Act, the Framework and the development plan. Further, for the purposes of Appeal A, material considerations do not outweigh the proposed development's conflict with the development plan as a whole.
17. For the reasons given and having regard to all matters raised, both Appeal A and Appeal B should be dismissed.

Mark Philpott

INSPECTOR