
Appeal Decision

Site visit made on 23 November 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/K1128/Y/23/3320829

60 Church Street, Kingsbridge, Devon, TQ7 1DD

- 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 Liam Wills against the decision of South Hams District Council.
 - The application Ref 4465/22/LBC, dated 21 December 2022, was refused by notice dated 3 March 2023.
 - The works proposed are described as 'replace the existing softwood timber windows with new timber effect uPVC windows to decrease the heat loss through our windows and improve the buildings insulation and sound values. Property previously had PVC windows before they were replaced with Softwood timber back in 1990.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not referenced in the description of works on the application form, the proposal also includes the replacement of the front door.

Main Issues

3. The effect of the proposal upon the significance of the grade II listed building known as Nos 44 to 62 (even) Church Street¹, and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have 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. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The appeal building is part of a terrace of cottages that are covered by a single list entry and date from the 18th century. The cottages form a coherent group but differ modestly in terms of plot widths, window sizes and positions. They have a simple vernacular form and plain appearance. These characteristics, as well as surviving historic details such as traditional timber joinery and modest

¹ List entry number: 1165393

porch canopies, are primary contributors to the special interest of the listed terrace.

6. The terrace stands close to but well above the road level, behind a raised pavement that is built over a stone wall that defines the road edge. This part of Church Street is made up of similarly scaled terraced cottages and houses that are densely arranged close to the road edge. The historic appearance of these buildings including their traditional detailing and materials, as well as elements of the streetscene such as the raised level of the pavement, are factors that contribute to the significance of the Kingsbridge Conservation Area (KCA).
7. Although the existing windows are reported to date from 1990, they largely look appropriate for their context. They are only modestly different to the windows at No. 58, which have narrower glazing bars and meeting rails. Their timber construction gives them an appearance and overall character that is appropriate for their historic setting. The qualities of the material, which include natural deflections as well as the weathering characteristics of painted timber, are attributes of the existing windows that contribute to the building's special interest. They would be lost if they were replaced with uPVC windows.
8. Indeed, the crisp factory-made appearance of the replacement windows would be clearly evident from the street. The difference is illustrated well by comparing the appearance of the existing windows with the modern replacements at No. 62. In addition, the use of a man made woodgrain effect would look artificial, and would be inauthentic when compared with the smooth glossy finish of painted timber.
9. Detailed drawings of the replacement windows are not before me, so in some respects a full comparison is not possible. However, I do note that the images provided show that the traditional profile of a painted putty bead around the edge of the glass would also not be accurately replicated in the proposed replacements.
10. The existing door would also appear to date from 1990. It is however timber. It has an overall form and proportion that is based on a 19th century four panelled door, and does not look out of place in this historic context. There are no details of the replacement door before me. However, for similar reasons to those given above in relation to the windows, replacing this door with one that has a manmade finish typical of composite doors, rather than a painted timber face, would cause harm.
11. For these reasons the proposal would have a harmful visual impact on the special interest of the listed terrace. It would also introduce a modern material to the appeal building's principal façade, which would be entirely at odds with its traditional material palette that includes cast iron rainwater goods, a timber porch canopy, and masonry sills. Given that the harmful impact would relate to the front elevation of the terrace that faces out over the street, it follows that the proposal would also fail to preserve the character and appearance of the KCA.
12. The appellant refers to previous uPVC fittings that existed before the timber windows and door were fitted in 1990. There are no details before me regarding this, such as when they were fitted or why they were removed; and there is nothing to suggest that they were in place when the terrace was listed

in 1972. I therefore consider it appropriate to base my assessment of the proposal solely on the change between the existing and proposed fittings.

13. At my visit I saw the uPVC units that have been fitted to other buildings within the listed terrace. These clearly cause visual harm. These, along with other instances of replacement window and door fittings in the area, affirm my thoughts that such fixtures have a harmful degrading impact on a place by eroding its historic integrity and traditional appearance.
14. The streetlamp that stands in front of the appeal building is a prominent and modern fitting. However, it is at the edge of the road and is not viewed as a component of the terrace. I am therefore not satisfied that its presence should cause me to come to a different view on the acceptability of the proposal.
15. Evidence before me demonstrates that the proposed window system has been used on other buildings. Many of these are historic, although only one is specifically referred to as a listed building², and in this case the windows relate to new development rather than the fitting of uPVC windows within a listed building. There will be cases where modern replacement windows have been accepted in a heritage context; however, without a thorough understanding of the circumstances that influenced the decision and details of the significance of the heritage asset such examples should be given limited weight, and in this case do not cause me to come to a different view on the acceptability of the proposal.
16. It is suggested that the proposed windows would be cheaper than replacement timber units. This is a matter commonly encountered with heritage assets; and carries little weight in a situation where a cheaper alternative would harm significance. Heritage assets are an irreplaceable resource and demand financial investment to secure their future conservation. In any case, there is nothing before me to demonstrate that the existing windows are beyond repair, and repair is commonly more affordable than replacement.
17. The proposal would harm the special interest of the listed terrace and would fail to preserve the character and appearance of the KCA. In terms of the National Planning Policy Framework (the Framework) the harm to both the listed building and the KCA would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
18. The replacement windows would be A+ rated and would thus improve the thermal performance of the building. Improving the thermal performance of buildings and thereby reducing energy consumption is a public benefit. However, the existing windows are double glazed, and the introduction of double glazing is not a matter of dispute between the parties. It should be possible for timber replacements to achieve a similar level of improvement. Additionally, there are a number of effective solutions for improving the thermal performance of an existing timber window that could be considered, that account for the natural deflections of timber. I therefore give this matter little weight.
19. It is suggested that the proposed windows would be made of recycled materials. The reference to this from the window manufacturer is however

² The Shot Tower, Chester

limited, and refers simply to the use of recycled materials within the frames. In any case, repairing and upgrading the existing frames would be much better environmentally, and would avoid their disposal. This matter also carries little weight.

20. Together the public benefits carry little weight. They are insufficient to outweigh the harm identified, particularly when I take into account Paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of heritage assets.
21. In summary, the proposal would fail to meet the requirements of the LBCA, as it would harm the special interest of the listed terrace and fail to preserve the character and appearance of the KCA. It would be contrary to Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, which seeks to ensure that proposals sustain the historic environment.

Conclusion

22. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR