



Appeal Decision

Site visit made on 25 September 2023

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/Z1510/Y/23/3318679

Plough Cottage, The Green, White Notley, Essex CM8 1RG

- 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 Mrs Emma Butler against the decision of Braintree District Council.
 - The application Ref: 22/01351/LBC, dated 17 May 2022, was refused by notice dated 30 September 2022.
 - The works proposed are replacement of all current single glazed six pane windows with new two pane double glazed windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the appeal relates to a listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The application form contains an overly detailed and superfluous description of the proposal. The Council amended the description to omit the bulk of the detail and the description used by the Council on the decision notice accurately and adequately reflects what is proposed. I have therefore used that description in the banner heading above.
4. Additional supporting information and drawings relating to the history of the building were submitted by the appellant during the appeal¹. The Council accepted these and included a response in their appeal statement. I am satisfied that no party would be prejudiced by my consideration of that information, and I have taken it into account in my determination of the appeal.
5. After my site visit a further request to submit additional information and for a second site visit to take place was received². However, I concluded there were no exceptional circumstances for accepting such late information that I was already aware of and consulting the Council would have unduly delayed my decision with no particular benefit to the appellant. Having regard to the relevant procedural guidance I did not agree to accept the information. I was

¹ Appellant's email dated 26 August 2023.

² Appellant's email dated 21 November 2023.

satisfied at my visit that I had seen everything I needed to determine the appeal and a second site visit was not therefore necessary.

Main Issue

6. The main issue is whether the proposal would preserve the special architectural and historic interest of Plough Cottage, a Grade II listed building.

Reasons

7. Plough Cottage is a timber framed building dating from the 18th century. Originally a row of five cottages demolition and conversion works to turn the cottages into two dwellings was carried out in the 1960s. The list description refers to the property being one storey with attics and having a red plain tiled gambrel roof with catslide dormers. However, whilst these features have been retained at the front of the property at the rear the gambrel roof has been removed and the property extended so that it now has a flat roofed timber clad second storey.
8. In altering the building and subsequently, historic materials appear to have been removed and replaced with more modern materials such as concrete, blockwork, steel, and plastic guttering. Further, a significant half glazed kitchen extension with uPVC fenestration was added. Despite the overall manner of the building's execution and materials defining the listed building as an attractive, historic dwelling typical of the local vernacular, these alterations and extensions have significantly altered the internal fabric and the external appearance of the rear of the building.
9. The list description refers to the property having three light leaded casement windows, but these were replaced around 2004 by single glazed timber framed six pane casements. Listed building consent was granted on appeal³ for the replacement of all of those current windows with two pane double glazed windows. That consent also authorised a change to the casements and replacement of the timber frames on a like for like basis. Despite the significant alterations the components of the significance of the listed building relevant to this proposal derive from the traditional construction and materials used and as repositories of past building traditions and technologies.
10. The proposal before me would replicate the allowed appeal proposal in terms of the profile of the frames, pane arrangement and use of double glazing but the timber frames would be replaced with uPVC, a further composite modern material. I have been provided with web links⁴ of the proposed Residence 9 window range along with examples where it has been approved for listed buildings, including a link to the manufacturers brochure. This information requires downloading and is not therefore admissible as evidence. However, a limited hand drawn sectional drawing of the proposed windows, detailed written submissions and a manufacturer 'design confirmation' print out is included and I have determined the appeal on that basis.
11. I acknowledge the windows are not original however they are of a suitable material, design and constructional technique which is authentic and reflects the characteristic of past building traditions. In my experience whilst a machined textured finish attempts to replicate a brushed appearance, uPVC

³ APP/Z1510/Y/20/3254809.

⁴ Design and Access Statement and 'Supporting Evidence'.

windows maintain a perfect uniformed and manufactured finish with a 'woodgrain effect' that lacks the finesse and quality of a traditionally constructed and painted timber window which ages over time developing a unique and sympathetic patina of age. The use of such a composite material and the modern appearance of its construction therefore lacks the authenticity and craftsmanship of painted timber. The evidence submitted does little to demonstrate otherwise and it would be readily apparent that proposed windows would be modern uPVC replacements.

12. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible due to the location of the building. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
13. Despite the changes to the building the introduction of a further inauthentic non-traditional composite material would further erode the historic architectural interest of the building and would harm the significance of the heritage asset. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial but nonetheless carries considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
14. Some small areas of black mould and water damage were visible on the internal walls of the building and on some of the internal frames. However, this is more likely an issue of breathability, the flow of air through the building, and heating. I observed additional ventilation measures had been undertaken by the appellant in the form of air vents and internal fans. There is nothing conclusive before me however to demonstrate that the use of uPVC would resolve the damp related issues.
15. I observed some minor condensation to the windows and that the exposed position of the listed building, with open agricultural fields opposite may contribute to this and some minor deterioration in the integrity of the timber frames. The appeal is also accompanied by a survey commissioned by the appellant that states because of the exposed location, all windows and frames will need replacing in the near future and that it is not economically or financially viable to use timber.
16. I disagree. In my experience a carefully crafted, properly treated, installed, and maintained timber window is capable of having a greater lifespan than composite windows, which can also be affected by other issues such as opacity from failed gas seals and discoloration. Double glazing has been previously approved on appeal, and its use is not objected to by the Council. I see no reason why double glazing in properly crafted and maintained timber frames, would result in unacceptable living conditions for the appellant or damage to the building's fabric.
17. Double glazed timber windows could also meet current building, energy efficiency, security and fire safety regulations and have been previously found to be acceptable for this particular building. Therefore, in addressing matters relating to thermal efficiency and security there would not be a public benefit over and above double glazing in timber. Any reduced cost of uPVC compared with timber would be a private benefit not afforded material weight. Having

regard to the manufacturing processes for uPVC there is nothing substantive before me to conclude that uPVC would be more sustainable or environmentally friendly than timber. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.

18. In reaching this view I also acknowledge comments from an interested party who supports the proposals, and which reflect comments from the appellant. I also acknowledge that the appellant has spent a deal of time and money on improving their property.
19. Nonetheless, the less than substantial harm to the significance of the heritage asset, and the considerable importance and weight that this carries would not be outweighed by the public benefits. I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, thus failing to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant.

Other Matters

20. My attention has been drawn to a number of examples where Residence 9 or composite windows have been granted listed building consent⁵, including at appeal. None of the examples are within the same administrative boundary and I have not been provided with the full details so cannot be certain they are directly comparable to the proposal before me. In any event, each building is listed for its particular special architectural or historic interest and each case has bespoke, site-specific considerations and judgments that have to be balanced and made. On the evidence before me such examples in no way provide a precedent that should be adhered to in every case, and they do not alter my views in relation to the main issue in this appeal.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

⁵ Appendices 1 and 3 of appellant's statement and 'Supporting Evidence'.