



Appeal Decision

Site visits made on 5 and 20 December 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/D1265/Y/23/3320802

Wellington Court, Barrack Road, Weymouth, Dorset

- 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 Wellington Court Management Company against the decision of Dorset Council.
 - The application Ref P/LBC/2022/06560, dated 5 October 2022, was refused by notice dated 31 January 2023.
 - The works proposed are the replacement of timber windows in Block C.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Wellington Court is a group of listed buildings in the Weymouth Town Conservation Area. As required by Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid 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, and of preserving or enhancing the character or appearance of a conservation area.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. I have sought the comments of the main parties concerning the revised national policy and have had regard to those made in reaching my decision.

Main Issue

4. The main issue is whether the replacement windows would preserve a listed building and its setting and any of the features of special architectural or historic interest that it possesses, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

5. Wellington Court is an imposing former military barracks positioned high up upon the ridge of high land that leads to Nothe Fort, and they are part of the numerous high quality historic buildings found to the southern side of Weymouth Harbour. The elevated position of the barracks complex, along with the large size and tall height of some of its buildings makes them prominent within the area, including in distance views, such as from the northern side of

the harbour. The large size and forms of the buildings makes an imposing contrast with the more modest dimensions of the nearby residential houses along the harbourside and Barrack Road. The former barracks dominates the area, reflecting the historic military importance of the town. The area has a high-quality, mixed use appearance within which the former importance and functional imposition of the military uses upon the peninsula remains dominant, all of which are part of the significance of the conservation area.

6. The listed barrack buildings make an important contribution to the diverse, high quality historic character and appearance of the conservation area, and although now used as residential apartments, their former military use remains legible. The barracks buildings are positioned around and focused upon a courtyard, and when taken together they comprise a handsome group of buildings with a defined, planned appearance deriving from their former military uses. This group cohesion and functionality contributes to the character and appearance of the conservation area and is also part of the special architectural and historic interest of these listed buildings.
7. The appeal buildings, like the other listed buildings within the complex, are mostly constructed of Flemish bond red coloured brickwork under slate roofs. One of the appeal buildings has a simple two storey rectangular plan form under a shallow pitched hipped roof, and to the principal elevation of this building there is the main door to either side of which are symmetrically positioned twelve paned sash windows under brick voussoirs. One of the flank walls of this building has been rendered, and the rear elevation is of brickwork, again with two rows of symmetrically positioned windows albeit some of those on the ground floor have been truncated in height. Linked to this building is one with an L-shaped plan form, also constructed mostly of Flemish bond red brickwork with sash windows. The height and size of these buildings is such that they can be seen from long distances away in the town, and they form a landmark group in an elevated position above the harbour. The distinctive clustered planned form and arrangement of these buildings, their positioning on the peninsula, along with their imposing sizes, and Neo-Classical appearances, is all part of the special interest and significance of these listed buildings.
8. Part of the special interest of these elegantly imposing buildings derives from the mannered style and placement of their windows. This and the repeated use of mostly multi paned sash windows enhances the dominance of the buildings within the area. As similar windows are found in the other historic buildings in the complex, together they have an imposing, planned cohesion as a group. The windows may not be original ones, but the style, form and single glazing of the timber sashes harmonises with the historic distinctiveness of these listed buildings and those nearby.
9. To the rear of the buildings there are some modern casements, but there are also sash windows that contribute to the formidable, regimented appearance of these former military buildings. As well as contributing to the cohesion of the barracks complex, they also make a positive contribution to the attractive, historic appearance of the conservation area. Even from long distances away, such as from the harbour, the rear elevations of these buildings with their mannered, rhythmically positioned and styled windows has an imposing presence within the conservation area.

10. The introduction of white upvc double-glazed windows would appear conspicuously incongruous within buildings that have a legible, high-quality historic appearance. The use of plate glass in so many windows would create a flat, monotonous surface that would harmfully draw the eye, and when combined with the double reflection that would result from the double glazing, the windows would have an overtly modern appearance. As all the windows would be replaced, the combined impact would overwhelm the formal, elegant simplicity of the host buildings, as well as disrupting the planned harmony of the barracks complex as a whole.
11. The appellant has proposed that the windows would match the existing as closely as possible. Notwithstanding this intention, from what detail has been provided, the cross-sectional drawings show windows with bulky frames and wide spacers, in part to accommodate the double glazing but also because of the use of upvc. Even though white coloured and finished with a timber effect grain, the windows would have a clumsy appearance within such finely detailed buildings. Not only would the windows form a harsh and incongruous juxtaposition with the high-quality form, detailing and traditional materials of their hosts, but they would also have a discordant prominence when compared to the other historic buildings within the complex. The windows would harmfully draw the eye, as was found with the windows proposed for Bingleaves Barracks (appeal ref: APP/P1235/Y/15/3010427), and the flat, reflective surface of the plate glass and the double reflection along with the cumbersome size of the frames and glazing bars would be evident from long distances away. Not only would the windows harm the special interest of these listed buildings, but they would also erode the cohesive impact of the barracks group, to the detriment of this part of the conservation area.
12. The appellant has drawn my attention to other examples of upvc sash windows, including those within 71 and 72 Wellington Court. These are modest single storey buildings within the barracks complex, and they only have a few windows with a more disparate placement within the walls, unlike the mannered formality that exists within the appeal buildings. Sunny Bank House does not have the grouped military context of the appeal buildings, and it also appears that the replacement windows had the benefit of unifying the appearance of the building. Given these differences, these comparisons do not form binding precedents for consenting the appeal.
13. No assessment of the need to replace rather than repair every window has been provided, albeit the replacements are required so as to reduce ongoing maintenance, painting and scaffolding costs and inconveniences. Some of the windows are reported as having been swollen shut, and there is also a requirement to improve thermal performance and provide sound proofing. However, even upvc windows require maintaining, whilst noise mitigation and draft proofing can be achieved through measures other than the installation of double glazed upvc units.
14. The Framework advises that when considering the impact of works upon the significance of designated heritage assets, great weight should be given to their conservation. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given my findings, the works would fail to preserve the special interest of these listed buildings, the setting of those nearby, nor preserve nor enhance the character or appearance of the conservation area. These harms would be less than

substantial as the works would affect only part of the buildings and the conservation area, although these harms would be of considerable importance and weight.

15. Under such circumstances, the Framework advises that where development would lead to less than substantial harm that this harm should be weighed against the public benefits of the proposal. Replacing the trickle-vented casement windows within the rear elevation with sash windows would be a public benefit of the scheme. In addition, improving thermal performance of the buildings would provide both public and personal benefits for the occupiers of the apartments, whilst sound proofing and reducing maintenance costs and inconveniences would be personal benefits. There is also local support for the works, but irrespective of this, the public benefits that arise would not outweigh the significant harms that I have identified, and the continued viable use of the buildings is not dependent on the works as they have ongoing residential uses.
16. For these reasons the works would fail to preserve the special interest of these listed buildings and the setting of those nearby. Nor would the windows preserve or enhance the character or appearance of the conservation area. These harms would be contrary to the requirements of the Act, and they would not be outweighed by public benefits, thereby failing to accord with objectives of the Framework. Although development plan policies are not determinative in listed building cases, my attention has been directed to the requirements of Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (2015), and I have taken this policy into account in my determination of the appeal. As this policy seeks, amongst other things, that development should conserve and where appropriate enhance the significance of designated heritage assets, the works would fail to accord with this requirement.

Conclusion

17. Given my findings, the works would fail to preserve the special interest of these listed buildings, and the setting of those nearby, nor would the works preserve or enhance the character or appearance of the conservation area. Thus, for the above reasons and having regard to all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR