



Appeal Decisions

Site visit made on 11 January 2024

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal A Ref: APP/T3725/W/23/3325844

41 Portland Street, Leamington Spa CV32 5EY

- 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 and Mrs Talbot against the decision of Warwick District Council.
 - The application Ref W/22/1762, dated 5 November 2022, was refused by notice dated 27 April 2023.
 - The development proposed is replacement windows with specialist slimlite timber sashes to match existing geometry.
-

Appeal B Ref: APP/T3725/Y/23/3325846

41 Portland Street, Leamington Spa CV32 5EY

- 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 and Mrs Talbot against the decision of Warwick District Council.
 - The application Ref W/22/1763/LB, dated 5 November 2022, was refused by notice dated 27 April 2023.
 - The works proposed are replacement windows with specialist slimlite timber sashes to match existing geometry.
-

Decisions

1. Both appeals are dismissed.

Preliminary matters

2. I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The National Planning Policy Framework (the Framework) has been revised since the parties' appeal submissions were made. The revisions do not affect the matters under consideration in this appeal and it was therefore not necessary to seek further comments.

Main issues

4. The main issues are whether the proposal would preserve the Grade II listed building known as 39 and 41 Portland Street (list entry number: 1381471) or any features of special architectural or historic interest which it possesses, or

preserve or enhance the character or appearance of the Leamington Spa Conservation Area.

Reasons

5. No 41 Portland Street is part of a Grade II listed building within the Leamington Spa Conservation Area. The listed pair of houses date from around 1824-36, form part of a terrace, are three storeys with basement, and two bays each. The painted stucco front elevation contains canted bays to ground floor and timber sash windows throughout. The brick rear elevation and outriggers are also fenestrated with sash windows.
6. The significance and special interest of the listed pair are derived from its historic construction and surviving traditional materials which contribute to its historic form, design and detailing. As a whole, the listed pair have largely maintained their integrity and authenticity as Georgian housing, retain much original symmetry, and contribute positively to the street scene and to the wider Conservation Area. Having been laid out in 1823-4, Portland Street lies at the heart of the Conservation Area and encapsulates the gridiron layout and character of the Georgian new town.
7. The proposal is to replace the existing windows with new timber sash windows of the same profiles as existing using slimline double-glazed units. The existing windows to front and rear comprise a variety of arrangements, including three over six and six over six configurations which have finely detailed glazing bars.
8. The appellant accepts that the upper floor windows on the front elevation are original. From my inspection, they are constructed in good quality timber, are of fine profile and detailing, and the wood in the sashes, cases, glazing bars and cills is generally solid and robust, albeit that there are some small and currently relatively contained areas of rot and that the windows may have been previously repaired.
9. None of the windows are in such poor condition that they could not be renovated again, despite some minor and mostly superficial failings such as peeling paintwork and small areas of missing putty and surface mould. Whilst draught-proofing has previously been poorly fitted to the windows, this has removed only a very limited amount of historic fabric. Overall, therefore, the loss of these original windows would result in the irreplaceable loss of significant original historic fabric of fine quality and detailing, causing irreversible harm to the integrity of the historic asset.
10. Furthermore, whilst the proposed windows intend to replicate the geometry of all the existing windows, the proposed double-glazed units would inevitably be deeper in profile than a single pane of glass, even though 14mm slimline units are proposed. When viewed obliquely, this would result in the glazing bars appearing to be of heavier profile than existing. The heaviness would be emphasised by the closeness of the glazing bars to each other, being separated only by small panes of glazing. This indelicate effect is, to my mind, demonstrated by the images on page 11 of the appellant's appeal statement, and would be visible from the street.
11. As a consequence, given that the appeal building forms just one half of the listed building, the proposed windows would jarringly contrast with the existing windows in the other half of the listed pair. The largely symmetrical appearance

of the listed building as a whole would be considerably reduced. Accordingly, the proposal would not preserve the listed building. It follows that the character and appearance of the Conservation Area would also be incrementally harmed.

12. These harms would arise even if any of the other individual windows in the listed building were found to be not original, and despite the differing approach taken by Edinburgh Council and the asserted datedness of the guidance from Warwick Council and Historic England. I have not been provided with full details of the approvals at Martinique Square or Shire Hall and therefore cannot compare those schemes with the proposal before me.
13. Under the terms of the Framework, I qualify that the degree of harm would be less than substantial, but nevertheless of considerable importance and weight. Paragraph 208 of the Framework sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
14. The energy efficiencies provided by the proposal would be a public benefit. However, the weight to be given to this is reduced by the availability of alternative measures, such as secondary glazing, heavy curtains and possibly shutters, all of which could provide a high level of insulation. Secondary glazing could be discreetly attached to the flat part of the architrave or to the staff bead, and has the benefits of being easily reversible, having simple mechanisms, and better environmental credentials, whilst retaining the historic fabric and not adversely impacting on the listed building's integrity. I appreciate that air source heat pumps require a host property to be well insulated. However, I am not persuaded that the margin of difference between the energy efficiency of the proposed double glazing and the potential alternative measures would be so substantial as to be determinative.
15. The appellant's intended investment in the building is acknowledged and the overall improvement to housing stock would also be a public benefit, albeit of limited weight. The continued use of the listed building is not dependant on the proposal as the present residential use would not cease in its absence. Even taken together, the public benefits would not outweigh the harm identified.
16. The proposed works would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses; and would not preserve or enhance the character or appearance of the Leamington Spa Conservation Area. Conflict therefore arises with the expectations of sections 16(2), 66(1) and 72(1) of the Act, the historic environment policies in the Framework, and policy HE1 of the Warwick District Local Plan (2017), which together require harm to heritage assets to be weighed against the benefits.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Patrick Hanna

INSPECTOR