



Appeal Decision

Site visit made on 5 December 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/J0405/Y/23/3316436

21 Churchway, Haddenham, Buckinghamshire HP17 8AB

- 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 James Dowson against the decision of Buckinghamshire Council.
 - The application Ref 22/02186/ALB, dated 16 June 2022, was refused by notice dated 11 January 2023.
 - The works proposed are replacement first floor windows and replacement timber work to oriel window.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site comprises a Grade II listed building located within a conservation area. Accordingly, I have had special regard to Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council does not object to the works affecting the moulding below the oriel window. Based on the evidence before me and my observations on site, I have no reason to disagree with those findings.
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

5. The main issue is whether the proposal would preserve the Grade II listed building, Long Swan Cottage Together With Railings And Gate Fronting Road (hereafter referred to as 21 Churchway), and any of the features of special architectural or historic interest that it possesses, and the extent to which the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

Special interest and significance

Listed building

6. The appeal property is set within a well-landscaped garden plot within the village of Haddenham. It is a Grade II listed building¹ which originates from the early 19th century. It is finished in coursed rubblestone with dressed stone detailing and a slate roof over. A first-floor oriel window exists to the front elevation. This, according to Historic England's listing description, was installed in 1879. A later 1960s extension exists to the south.
7. Despite the extension and alteration of the listed building over time, the front elevation has maintained an aesthetically pleasing architectural form and those alterations have not unduly eroded the listed building's overall intrinsic heritage merit.
8. Based on the evidence before me, I find that the listed building's special interest and significance is largely derived from its architectural and historic interest as a visually charming 19th century domestic building. Important contributors in these regards, which are pertinent to the appeal, are the use of traditional construction techniques and materials and surviving historic fabric. The building also has group value with nearby listed properties.

Conservation Area

9. The appeal site falls within the Haddenham Conservation Area (CA). The special interest and significance of the CA is largely derived from its historic townscape, focussed around linear streets and set within rural surroundings. There is variation in dwelling style and period but the material palette is typically limited to brick, render and stone. Dwellings are typically positioned within large, spacious plots which have a direct relationship with nearby roads.
10. The appeal property, as a prominent, largely stone house, together with a landscaped front garden set behind a low wall and railings, positively contributes to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

Listed building

11. The proposal would involve the installation of a new eight-over-eight double glazed replacement sash window to the rear elevation and a double glazed replacement oriel window to the front elevation.
12. Although the submitted details illustrate that the replacement rear window would, to some degree, replicate the existing eight-over-eight pane arrangement, and that both that and the oriel window would be of a relatively thin profile, no other details such as the moulded surround or horn details of the sash window are shown as proposed. This would be at odds with the existing windows.

¹ List Entry Number: 1311153

13. Moreover, insufficient details of the existing windows have been provided in order to draw an accurate comparison between the existing and proposed windows. From my observations on site, the details of the proposed window units are deficient and are not consistent with the existing, more detailed, window fittings. As such, I cannot be certain that the replacement windows would preserve the listed building's special interest and significance.
14. Turning to the historic fabric of the building, the appellant argues that the rear sash window is not original and is more likely to form a 1960s replacement. However, there is no substantive or convincing evidence before me to demonstrate the age of either of the windows (in whole or part), or to fully understand the effects/extent of any harm as a result of their removal. In any case, the windows form an important component of the building's overall fenestration and appear to reflect the materials, form, design and pattern of historic windows. In these respects, the windows contribute in a positive way to the property's historical and architectural integrity and thus its special interest and significance.
15. It is apparent that the existing windows are, in areas, suffering from decay and deterioration. If left unchecked, this may adversely affect the historic fabric of the building. Nevertheless, no detail of investigations and conclusions around the possible repair of the deteriorating timber on either window has been provided.
16. I have considered whether, as suggested by the appellant, conditions controlling the detail of the windows could adequately mitigate these issues and concerns were I to allow the appeals. However, I consider that it would be unacceptable to leave such matters to be controlled by conditions without greater certainty around the existing and replacement window units.
17. Overall, I conclude that it has not been satisfactorily demonstrated that the proposal would preserve the Grade II listed building, 21 Churchway, or any features of special architectural or historic interest which it possesses. Accordingly, I cannot be certain that the proposal would meet the requirements of Section 16(2) of the Act. Consequently, the proposal would harm the special interest and significance of this designated heritage asset.

Conservation Area

18. Notwithstanding the harm that has been identified above in respect of the listed building, the position, nature and extent of the proposals are such that they would, when viewed from the public realm, appear as relatively modest in the streetscene. Unlike listed buildings, the significance of a CA is, in part, dependent upon how it is experienced as a whole. I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.
19. Accordingly, I conclude that the proposal would preserve the character and appearance of the CA and would meet the requirements of Section 72(1) of the Act. As such, it would not harm the significance of this designated heritage asset. Nevertheless, the lack of harm in this respect does not alter my conclusion in respect of the listed building.

Public benefits and balance

20. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the listed building, I find the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
22. Economic benefits would be brought about through the purchase and installation of the windows. However, the scale of those benefits is short-term and very limited by the extent and nature of the proposal.
23. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the building. Moreover, no substantive evidence has been put before me which verifies that the property's conservation, as a designated heritage asset, would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented, including in respect of insulation.
24. I accept that other windows within the property, and in other nearby properties, have been replaced in the past. Nevertheless, these do not form part of the proposed works before me and do not provide justification for the replacement of the windows subject to this appeal. Ultimately, I have not been provided with clear and convincing justification for allowing the appeal.
25. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Based on the evidence before me, the proposed works would fail to preserve the Grade II listed building, 21 Churchway, or any features of special architectural or historic interest which it possesses. Accordingly, the proposal would be contrary to the requirements of Section 16(2) of the Act, and the relevant provisions of the Framework, insofar as they concern the historic environment. The proposals would also conflict with the relevant provisions of Policy BE1 of the Vale of Aylesbury Local Plan 2013-2033 (2021) which, in summary, seeks to protect heritage assets.

Other Matters

26. The appeal site is located within the wider surroundings of two Grade II listed buildings, 19 Churchway and 23 Churchway. Mindful of the statutory duty set out in Section 66(1) of the Act, I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant garden plots within which these buildings lie, positively contribute to their significance.

27. Given the position and extent of the proposals, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
28. I note that no objection was received from the Parish Council. However, the lack of objection is essentially neutral in my determination of the appeal.

Conclusion

29. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR