



Appeal Decision

Site visit made on 23 January 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/U1430/Y/23/3320105

Whispers Cottage, Battle Hill, Battle, East Sussex TN33 0BN

- 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 Ms L Crouch against the decision of Rother District Council.
 - The application Ref RR/2021/1707/L, dated 22 February 2022, was refused by notice dated 3 November 2022.
 - The works proposed are replacement windows and door.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement windows to the front elevation of the building (windows W1, W2 and W3).
2. The appeal is allowed insofar as it relates to the replacement window to the rear elevation of the building (window W4) and door and listed building consent is granted for 'replacement window to the rear elevation and door' at Whispers Cottage, Battle Hill, Battle, East Sussex TN33 0BN in accordance with the terms of the application, Ref RR/2021/1707/L, dated 22 February 2022 and the plans 7112/LBP, 7112/EX, 7112/1/B, 7112/2/A and 7112/3 submitted with it, so far as relevant to that part of the works hereby permitted, and subject to the following condition:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matters

3. The appeal property is one of three dwellings which form a listed building. Although the appeal property address is 'Whispers Cottage', I have referred to the listed building as 'Gay Whispers Little Fosters Lower Fosters' which is the definitive name for the listed building entered on the National Heritage List for England.
4. As the appeal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issue

5. The main issue is the effect of the proposal on the special interest of the Grade II listed building, 'Gay Whispers Little Fosters Lower Fosters' (Ref: 1278701) of which the appeal building is part, and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The listed building dates to the 18th century and comprises a terrace of modest two-storey cottages which are finished in brick at ground-floor level and weatherboarding at first-floor level. A two-storey flat roof extension which the Council indicates dates to the 1980s and which includes uPVC windows extends across the rear of the terrace. Windows to the front of the building have also been replaced and are of a non-traditional top-opening style with heavy mullions and transoms. However, the timber frames and relatively slim glazing bars of these windows are more in keeping with the identity of the historic building. The similar style and proportions of the windows across the terrace also adds to the unified character of the group.
7. I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the architectural and historic interest of the building as a cohesive terrace of vernacular cottages. The rear extension and the opening style and proportions of the windows to the front elevation have eroded the building's architectural character somewhat. Nevertheless, the broad consistency in the fenestration across the front elevation including in respect of the proportions and materials of the windows does make some positive contribution to the special interest of the listed building.
8. The appeal proposes the replacement of the door and three windows to the front of the building (windows W1, W2 and W3), and the first-floor rear window (window W4). The window to the rear would be uPVC, but this would be consistent with the existing window and others within the 1980s extension which does not make a meaningful contribution to the special interest of the listed building. Given these factors, I see no reason to disagree with the Council's view that it would be acceptable. I similarly agree that the replacement front door which would be timber of similar appearance to the existing door would be acceptable, and I find that these elements of the proposal would preserve the special interest of the listed building.
9. The replacement windows to the front of the building would be timber. However, the submitted timber joinery details show that while the central part of the glazing bar would have a maximum width of 10mm, the rebates to either side of the internal moulding would each be wider than the bar. The details also indicate spacer bars and a bead/putty extending to a comparable width. Notwithstanding the appellant's reference to windows that have been installed to a cottage elsewhere in Battle and the dimensions of those glazing bars, my assessment is made having regard to the detail of the windows shown on the plans that are before me for this proposal. These details suggest that the entirety of the glazing bar elements would have a total width of nearer to 30mm. Based on my observations, they would be appreciably wider than those currently present to windows to the front of the appeal dwelling and the rest of the listed building. In combination with the thick mullions and transoms, I find that the scale of the joinery relative to glazing would be disproportionate and unduly bulky, at odds with traditional window joinery styles.
10. Windows W1 and W2 would also include top-opening casements. I acknowledge that this would reflect the existing arrangement. Nevertheless, it is uncharacteristic of the age and architectural style of the building and the disproportionate joinery that is now proposed would further exacerbate the

unsympathetic and incongruous appearance of the window detailing against the historic building.

11. Moreover, the casements of W1 are currently divided into 8 panes, while the proposal shows only 6. The resulting pane proportions would appear unduly stretched and would contrast awkwardly with the proportions of the other windows to the listed building.
12. The flush-fitting casements would offer some enhancement in comparison to the existing storm-proof casements. Even so, I find that the overall design and detailing of the proposed windows to the front of the dwelling would be discordant and detrimental to the architectural character and integrity of the listed building.
13. The appellant advises that they would accept a condition requiring the omission of the top-opening lights. They also refer to other applications where joinery details were not provided or revised joinery details have been sought by condition. However, I do not know the full circumstances of those cases. In any event, I am not satisfied given the potential effect of window design on the special interest of the listed building that it would be appropriate in this case to defer consideration of such integral matters to a condition.
14. I therefore find that the proposal as a whole would fail to preserve the special architectural and historic interest that the listed building possesses and would cause harm to its special interest.
15. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
16. The harm to the listed building would be less than substantial in the terms of the Framework given the limited nature of the works relative to the building as a whole. Nevertheless, this harm carries considerable importance and weight.
17. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
18. The appellant advises that the existing windows are poor fitting and insecure, and an interested party refers to noise from increased traffic levels. However, there is no firm evidence to demonstrate that the continued viable use of the appeal property as a dwelling is dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
19. I note that the replacement double glazed units could improve energy efficiency, and the Framework advice that significant weight should be given to energy efficiency and low carbon heating improvements to existing buildings. However, the proposal relates to a single dwelling and the extent of environmental benefits to the wider public are likely to be minimal. Furthermore, I have no firm information to suggest that similar benefits could not be achieved by a proposal that would be less harmful to the special interest of the listed building which moderates the weight that I give to the benefit.

20. In this context, I find that public benefits of the proposal are insufficient to outweigh the considerable importance and weight to be given to the harm that I have identified to the listed building.
21. Given the above, I conclude that the proposal as a whole would fail to preserve the special interest of the Grade II listed building 'Gay Whispers Little Fosters Lower Fosters', thus failing to satisfy the requirements of the Act and the Framework. Although not determinative, it would also be contrary to Policy EN2 of the Rother Local Plan Core Strategy 2014, Policy DHG9 of the Development and Site Allocation Plan 2019 and Policy EN4 of the Battle Civil Parish Neighbourhood Plan 2021 insofar as they are relevant and broadly seek development that respects the character and qualities of historic buildings and preserves or enhances the significance of heritage assets.
22. However, the proposed replacement door and the replacement window to the rear elevation would preserve the special interest of the Grade II listed building 'Gay Whispers Little Fosters Lower Fosters'. These elements of the proposal would satisfy the requirements of the Act and Framework. They would also accord with the above policies of the development plan insofar as they are relevant.

Conclusion

23. The replacement of windows to the front elevation of the appeal property would harm the special interest of the listed building, but the replacement window to the rear elevation and door would be acceptable and these works could be carried out independently of the rest of the proposal. Given that the works are clearly severable, I consider in this case that it would be appropriate to issue a split decision permitting the replacement window to the rear elevation and door but not the replacement windows to the front elevation.
24. In respect of the development to be permitted, I have imposed the standard time limit condition in the interest of certainty. The formal decision sets out that consent is given for the works and plans as approved and a separate condition listing the approved plans is not therefore necessary.
25. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the proposed replacement door and the replacement window to the rear elevation of the building. However, the appeal should be dismissed insofar as it relates to the proposed replacement windows to the front elevation of the building.

J Bowyer

INSPECTOR