
Appeal Decisions

Site visit made on 12 December 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal A - Ref: APP/J1915/W/23/3320990

Flats A & B, 71 Fore Street, Hertford SG14 1AL

- 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 Chapman against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1841/FUL, dated 31 August 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the replacement to front and rear windows at first and second floor with double glazed wood effect UPVC Sash white windows.
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Appeal B - Ref: APP/J1915/Y/23/3320993

Flats A & B, 71 Fore Street, Hertford SG14 1AL

- 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 Chapman against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1838/LBC, dated 30 August 2022, was refused by notice dated 23 January 2023.
 - The works proposed are the replacement to front and rear windows at first and second floor with double glazed wood effect UPVC Sash white windows.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. I have adopted the description of development from the decision notices because this is a more precise description of the proposed development.

Main Issues

4. The main issues are:
 - whether or not the proposed development would preserve or enhance the character or appearance of the Hertford Conservation Area (the CA); and,
 - the effect of the proposed development on the special architectural or historic interest of the listed building, identified as 67, 69 and 71 Fore Street¹.

¹ List entry No 1268898.

Reasons

Significance

Listed building

5. The appeal relates to one of two semi-detached listed properties, at Nos 67 to 71 (odd) Fore Street. The building is three-storeys to the main part with two storey wings to either side. It is located on Fore Street, which is one of the principal shopping streets in the centre of Hertford. The significance of the listed building primarily derives from its front elevation, which is well detailed, pleasantly proportioned, and prominent along a busy, commercial street. However, the windows to the non-appeal property have been changed to uPVC although in a sash style. In addition, the window to the wing of the appeal property has been changed. It is still timber but of a different style and is no longer recessed into the façade. Of particular importance, therefore, are the recessed, timber framed, 12-pane sash windows to the upper floors of the main part of the appeal property, as they are the only remaining historic fenestration features to the front elevation.
6. To the rear, the main part of the listed building has retained its original fenestration pattern in the main. However, there are new windows to the wing section of the appeal property. They are timber but are not sash. The windows to the non-appeal property are uPVC, although in a sash style. The recessed, timber framed, 12-pane sash windows to the main part of the appeal property are therefore an important part of the significance of the listed building, as they are the only remaining historic fenestration features to the rear elevation.

Conservation area

7. As set out in the Hertford Conservation Area Appraisal and Management Plan, March 2017 (the Management Plan), the appeal site lies within Identity Area 1 – The Historic Core of the CA. In this area there is a variety of building styles and types. However, to the upper floors of the other buildings along both sides of Fore Street there is a relatively large proportion of timber framed sash windows. They are of different styles and detailing, eg number of panes, but there is a prevalence of timber framed sash windows. Where there are uPVC windows, they tend to be on more modern buildings. Where they are on historic buildings, the uPVC material is jarring and unattractive and the detailing of the windows and the panes unsuccessful. The Management Plan specifically mentions the importance of windows several times.
8. As far as it is relevant to this appeal, the significance of the CA is principally derived from the contribution made by the predominantly high quality of the historic buildings along Fore Street, including the large proportion of historic, timber framed, sash windows. The property the subject of the appeal contributes positively to this significance because it retains most of its timber framed sash windows to upper levels.

Proposed

9. It is proposed to replace the existing front and rear windows at first and second floor levels with wood effect, uPVC, sash style casement windows coloured white. One small window to the rear would also be changed to be an obscure glazed uPVC window. The proposed windows would have 6 over 6 panes, apart

from within the front wing where it would be 3 times 4 panes. They would use surface glazing bars which would not be structural.

The effects

Listed building

10. To both the front and rear, the timber framed sash windows to the appeal property are in a relatively poor state of repair. However, no substantiated evidence has been provided of the precise level of wear and tear. This is not sufficient justification for the proposed loss of historic fabric. The existing windows in the main part of the property are an important part of the significance of the building and their loss without justification is unacceptable in-principle. In this case, total loss is proposed and there has been no consideration of repair which in many cases is an option. The windows in the wing section are less important because they have already been replaced. However, they do remain timber framed so are appropriate in material with similar physical characteristics and patina of the historic windows and so contribute to the appearance of the building.
11. The proposed replacement with uPVC windows would introduce an unattractive material that is not appropriate for a building of the age and style of the host property. I acknowledge that uPVC window design has improved and that a wood effect finish is proposed. However, it would still be clear that the windows are not timber framed. The glazing bars would be different in design and profile than timber glazing bars in order to support the double-glazed sealed units. Even if historically accurate horns were included, they would still be in uPVC and manufactured rather than hand crafted to fit the building and would be simply added as decorative in contrast to the historic roll of a horn which is mainly for strength.
12. The timber effect uPVC would not accurately reflect the look and feel of genuine timber. This could not be controlled by condition because it is a fundamental part of the nature of uPVC windows. Moreover, glazing reflections would change with the larger, double-glazed panes of modern glass. In the wing section, the proposed introduction of a more historically accurate glazing pattern would be a benefit, but would not overcome the harm caused by the proposed use of modern materials.
13. Whether or not the proposed windows would be better than those at No 69, they would be harmful. In any event, a poor intervention does not justify further harm. I appreciate the proposal would result in a greater degree of conformity across the listed building as a whole, because there would be uPVC to both the semi-detached properties. However, this does not overcome my fundamental concerns with the unjustified loss of the existing historic fabric and the intrinsically unsympathetic character and appearance of the replacement windows.

Conservation area

14. The front façade of the appeal property is particularly prominent in the CA because it faces onto a busy, commercial street. The proposed uPVC windows would harm the character and appearance of this street, appearing jarringly discordant particularly given the relatively high proportion of timber framed sash windows along this part of Fore Street.

Conclusion

15. Therefore, the proposal would harm the special architectural and historic interest of the listed building. It would also fail to preserve or enhance the character or appearance of the CA. In terms of the National Planning Policy Framework (the Framework), I assess the level of harm to both the listed building and the CA to be less than substantial, but that harm nonetheless is a matter of considerable importance and weight. The proposal consequently fails to comply with Policies HA1, HA4, HA7 and HOU11 of the East Herts District Plan 2018 (the LP), which require high quality design and reflect the statutory protections given to heritage assets.

Planning Balance

16. Paragraph 208 of the Framework states that, where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
17. The appellant has stated that it is necessary to upgrade the windows so that the flats can still be let and occupied, due to energy targets set out in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) (the Regulations). However, s31 of the Regulations states that energy efficiency improvements do not need to be made if a listed building consent application has been refused. The works are not, therefore, required to ensure the flats can still be let.
18. Nevertheless, the existing windows are single glazed and are not energy efficient. Changing them to double glazed uPVC windows would improve the energy efficiency of the property. This is a public and a private benefit. However, it would be possible to improve the energy efficiency of the property through other means. In addition, any improvement in energy efficiency has not been quantified and would likely be relatively small. I therefore place limited weight on the proposed energy efficiency improvements to the property.
19. In accordance with Paragraph 205 of the Framework, I place great weight on the harm I have identified to the architectural and historic interest of the building and to the character and appearance of the CA. This outweighs the limited public benefits. The proposal is therefore unacceptable and fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the Framework.

Conclusions

20. For the reasons above, the appeals are dismissed.

O S Woodward
INSPECTOR