



Appeal Decision

Site visit made on 16 January 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2024

Appeal Ref: APP/Z1510/Y/23/3324232

Brook Cottage, Vicarage Road, Finchingfield, Essex CM7 4LD

- 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 Sheridan against the decision of Braintree District Council.
 - The application Ref 23/00062/LBC, dated 9 January 2023, was refused by notice dated 28 March 2023.
 - The works proposed are to replace all existing ground floor and first floor single glazed casement windows with new slimline double glazing units set into painted hardwood casements.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed windows W1, W2, W3, W4, W5, W6, W7, W8, W10, W11, W12, and W13. The appeal is allowed insofar as it relates to window W9 at Brook Cottage, Vicarage Road, Finchingfield, Essex CM7 4LD in accordance with the terms of the application Ref 23/00062/LBC, dated 9 January 2023, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 12 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.
 - 3) No development of window W9, as depicted on drawing Ref PSD-BC-07 Rev A, shall take place until full details of the proposed window, including the type of glass, have been submitted to, and approved in writing by, the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

Preliminary Matters

2. I have adopted the description of development from the decision notice rather than that used on the application form because it more accurately describes the proposed works.
3. The proposal relates to a Grade II listed building. I have therefore had special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, in accordance with s16 of

the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

4. The appeal site falls within Finchingfield Conservation Area (the CA). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with s72 of the Act. This was not directly referenced in the Council's reason for refusal. However, the effects on the listed building are determinative and consideration of the CA does not raise any issues further to that already dealt with under the listed building considerations. I therefore did not need to go back to the main parties for comments.
5. The appellant submitted a revised drawing with the appeal, Ref PSD-BC-07 Rev A. This provided additional information regarding the historic elevations of the appeal property. It did not change the proposed works. The Council had the opportunity to comment on the additional information as part of the appeal process. I have therefore accepted the revised drawing. Throughout this decision, for ease of reference I adopt the notation used on this drawing to refer to the windows, eg W1, W2 etc.
6. Towards the end of 2023, a revised version of the National Planning Policy Framework (the Framework) was released. There were no changes material to the proposed works and I have therefore determined the appeal on the basis of the revised Framework and without requesting comments on the document from the main parties.

Main Issues

7. The main issues are:
 - the effect of the proposed works on the special interest and heritage significance of the Grade II listed building, 'Number 2 Brook Cottage and adjacent cottage to north'¹; and,
 - whether or not the proposed works would preserve or enhance the character or appearance of the CA.

Reasons

Listed building

Significance

8. The property the subject of the appeal is a semi-detached dwelling. The building, including the other semi-detached dwelling to the north, is grade II Listed. The listed building was built in the 17th Century or earlier. There have been extensions to the rear of both properties and further internal and external modifications. Both the very modern ground floor rear extension and the two floor wing rear extension built between 1959 and 1962 are clearly modern additions. However, to a large extent the cottages retain their original appearance and character to their front elevations, including extensive historic fabric.
9. Photographic evidence has been provided that the windows to the front and side elevation² have been changed at some point after the early part of the 20th Century. This is clear because the current windows have a different glazing

¹ List entry number 1337797

² W1, W2, W3, W4, W5, W6, W7, W8

pattern to those shown in the photographs from the early part of the last century. Of these windows, those to the front elevation³ are likely 19th Century windows that have been modified with a different glazing pattern. This is because they are listed in the list description, written in 1985, as being 19th Century casement windows. The changes to the side are more extensive, with new window locations and sizes compared to as shown on the photographs. These windows⁴ are therefore relatively new additions to the property. Because of the different glazing patterns and/or new windows, it is highly unlikely that any original glass remains in any of them.

10. The windows to the front elevation⁵ are all timber framed, single glazed casement windows that are openable. To the side elevation at ground floor level⁶ they are timber framed, single glazed casement windows that are fixed shut. The two small windows at first floor level⁷ are timber framed, single glazed casement windows that are fixed shut. Window W13 is a relatively modern, timber framed, single glazed casement window that is openable. Its framing is of clearly lower quality than the majority of the other windows, with a thicker central column. Window W12 is a relatively modern, small, timber framed, single glazed window that is hinged from the bottom. Window W11 is a metal Crittal window, single glazed, that is fixed shut. It is the only non-timber window in the property.
11. There are three windows and two doors in the recent ground floor rear extension. These are not part of the proposed works and are in an obviously modern addition of different character to the original part of the property. They have no material bearing on the proposed works. In the two storey rear extension, there is a window within it at first floor level⁸. This is a relatively modern, timber framed, single glazed casement window.
12. The adjacent cottage, which is part of the same listed building, has had uPVC windows inserted. They are particularly unsuccessful to the rear. To the front elevation, they adopt the same glazing pattern as with the appeal property and are flush to the elevation as with the appeal property. There are therefore some similarities. However, the material is unmistakably uPVC. The frames are thicker, including to the central pillar. They therefore detract from the significance of the listed building.
13. Nevertheless, the listed building's significance primarily derives from the extensive retained internal historic fabric and layout and also its retained historic appearance and character within the original part of the building. That the other half of the listed building has lost its historic fabric and character to its windows only reinforces the importance of the windows within the appeal property. Overall, the windows to the appeal property form an important part of the building's significance, particularly because they all, save for the one small Crittal window, remain single glazed, timber framed casement in style. However, that none of them are fully original and some of the fabric is not even particularly historic weighs against the importance of the windows to the significance of the building.

³ W1, W2, W3, W4

⁴ W5, W6, W7, W8

⁵ W1, W2, W3, W4

⁶ W7, W8

⁷ W5, W6

⁸ W9

Proposed

14. It is proposed to replace all the windows in the original part of the property and window W9 within the wing rear extension. The replacement windows would be slim-line double glazed, timber framed casement in style. They would be set within the same structural openings and outer frames as existing and would remain flush with the main elevation. The numbers of panes and the glazing patterns would remain the same as existing but new glazing bars would be required to accommodate the new glass. All replacement windows larger than two panes of glass would be openable. The type of glass could be either cylinder glass or hand drawn, and this could be controlled by condition.

Assessment

15. There would be no loss of original fabric because none of the relevant windows are original. However, there would be the loss of historic fabric with regard to the 19th Century windows to the front elevation⁹. There would be intrinsic harm from the loss of this fabric. There would be no material harm from the loss of the fabric to the windows to the side and rear elevations and the modern extension¹⁰, because these windows are relatively new.
16. However, the existing windows contribute positively to the aesthetic value of the listed building, because they are single glazed, timber framed, casement windows that are attractive in appearance. This is with the exception of the small metal Crittal window W11, which is a relatively modern and incongruous feature on the property. Of particular importance are the four windows to the front elevation, which are the same location and size as the original windows and in a very similar style. Also of importance is that the windows are single glazed, which respects the age and historic importance of the building.
17. Although the outer frames would remain, the proposed double glazing would change the way light reflects and refracts through the windows, harming the appearance of the property. In addition, sections have been provided of the relationship of the proposed double glazing to the glazing bars. The additional pane would result in a shallower slope and reduced prominence of the externally visible part of the glazing bars. This would also cause harm, with the exception of window W9, because it is within the rear extensions. Both the wing and ground floor extensions read as more modern additions to the building, albeit constructed several decades apart. The ground floor windows to the rear extensions are already double glazed.
18. The replacement of the Crittal window would be acceptable in isolation but it would be incongruous and inconsistent with the remainder of the historic part of the property if only that window were to become double glazed.
19. I acknowledge that double glazing would improve the thermal efficiency of the property. However, I have not been provided with substantiated evidence that the windows could not be made more efficient through repair works, eg draught proofing. Nor have I been provided with evidence with regard to the use of secondary glazing as an alternative. Lastly, I have not been provided with specifics regarding the amount of benefit that would accrue from the proposed new windows in terms of increased efficiency, either intrinsically or in comparison to alternatives.

⁹ W1, W2, W3, W4

¹⁰ W5, W6, W7, W8, W9, W10, W11, W12, W13

20. The proposed works would, therefore, harm the special interest and heritage significance of the listed building, save for window W9 to the extension to the rear. I assess the level of harm to be less than substantial. They therefore fail to comply with Paragraph 203 the Framework, which sets out the desirability of sustaining and enhancing the significance of heritage assets. The proposed works also fail to comply with Policy LPP57 of the Braintree District Local Plan 2013 – 2033 (the LP), which reflects the Framework.

Conservation area

Significance

21. The Finchingfield Conservation Area Appraisal, adopted in 2009, finds that the significance of the CA primarily derives from the mixture of medieval, 16th, 17th, 18th, 19th and 20th Century buildings, which together create a particularly picturesque village. The central area, within which the appeal building sits, has developed organically over centuries and is particularly attractive. Specifically with regard to windows, there are a great variety of types and styles, reflecting the great variety of types and styles of buildings. They are mostly attractive, well maintained and historically appropriate. However, the Appraisal specifically notes that few original casement windows remain, as they have often been replaced with sash windows. This elevates the importance of any remaining casement windows, even if they are not original.
22. The appeal property therefore contributes positively to the significance of the CA because it is a listed building with a particularly attractive and original front elevation including casement windows.

Assessment

23. The harm that I have identified above that would be caused by the proposed double glazing, save for window W9 to the extension to the rear, would also harm the character and appearance and therefore the significance of the CA. I assess the level of harm to be less than substantial. They therefore fail to comply with Paragraph 203 the Framework, which sets out the desirability of sustaining and enhancing the significance of heritage assets. The proposed works also fail to comply with Policy LPP57 of the LP, which reflects the Framework.

Planning Balance

24. 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.
25. The proposed double glazing would improve the energy efficiency of the property. This is both a public and a private benefit, although only to a limited extent because windows are only part of the thermal efficiency of the building. In addition, although helpful in reducing energy bills and providing a more hospitable internal environment, the works are not required to secure the continued viable use of the property as a home. 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 energy efficiency benefits.

26. This is with the exception of window W9 within the rear extension. The other windows within the rear extension are timber framed and double glazed, very similar to as proposed. The rear extension has a clearly different character and appearance to the historic part of the listed building. There would be no loss of historic fabric. There would not, therefore, be any harm to the heritage assets from this element of the proposed works. This part of the proposal is clearly severable from the other windows because any individual window could be replaced independently.

Conditions

27. In addition to the standard time limit condition, conditions requiring the making good of any damage and the full details of the proposed window are necessary to ensure a satisfactory appearance and to protect the architectural and historic interest of the listed building, and the character and appearance of the CA.

Conclusion

28. For the reasons above, the appeal is allowed insofar as it relates to W9 and dismissed insofar as it relates to windows W1, W2, W3, W4, W5, W6, W7, W8, W10, W11, W12, and W13.

O S Woodward
INSPECTOR