



Appeal Decision

Site visit made on 16 April 2024

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/T3725/Y/23/3328257

Oaks Farm, Farm Road, Kenilworth, Warwickshire CV8 1DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Christine Archer against the decision of Warwick District Council.
 - The application Ref is W/23/0342/LB.
 - The works proposed are described as, 'replacement windows (5) on south elevation of Oaks Farm.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, after the Council issued its Decision Notice. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. I have taken the revised Framework into account in my determination of the appeal.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building, Oaks Farmhouse, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

4. Oaks Farmhouse, a Grade II listed building¹, is a substantial, detached property, constructed of red brick with a plain tile roof. The list entry states that the building dates from the 18th century with earlier range at rear and 19th and 20th century additions. However, the Heritage Impact Assessment submitted as part of the application (the HIA)² asserts that the 18th century date can 'be firmly pushed back by at least one century if not two centuries or even more.'
5. The HIA submits that the part of the building which is the subject of the appeal incorporates the 15/16th century core and a Georgian extension, with the main

¹ List Entry Number: 1035260.

² Heritage Impact Assessment by HCUK Group dated February 2023.

south elevation incorporating the windows which are proposed to be replaced, added 'as long as 300 years after the original construction.' The Council does not challenge the HIA's assertions concerning the building's age and evolution and I have no reason to dispute them.

6. Having regard to the above, I find that the special interest and significance of the listed building to be mainly derived from its archaeological, architectural and historic interests in exemplifying a vernacular domestic property which has evolved over time. Important contributors in these respects which allude to the building's phased development, are its use of traditional methods of construction and materials; surviving historic fabric and floor plan; and pleasing architectural form and design, including key features and detailing.
7. Pertinent to the appeal, fenestration is a key feature of the building. The windows in the main south elevation³ comprise 4 No. 8 over 8 (windows A, B, D and F) and 1 No. 6 over 6 (window E), single-glazed painted timber, vertical sliding-sash windows. These were installed with consent in 2006⁴. Additionally, in February 2023, the Council granted listed building consent for the replacement of all windows in the property apart from those in the main south elevation and one in the east elevation, with double glazed units⁵.
8. Whilst the windows within the main south elevation are relatively recent, they are of a form, design, materials and finish that are in keeping with the age, style and grandeur of this part of the property when it was encased in brick and extended during the Georgian period to create a new principal south front. Additionally, from the submitted evidence, they replicate glazing patterns of two windows which were replaced⁶.
9. Consequently, I agree with the appellant in so far as the fabric of the windows in the main south elevation is of negligible historic interest. Nonetheless, I find that their form, design, materials and glazing pattern provide a degree of authenticity to the fenestration of this elevation and its adaptation during the Georgian period. In these respects, they contribute in a positive way to the architectural integrity of the property and thus its special interest and significance.

Proposed works and effects

10. The proposed works involve the replacement of the five existing windows in the main south elevation with painted softwood double glazed units. These would comprise heritage slimline panes consisting of 3mm glass panes with a sealed vacuum space of 6mm and a maximum thickness of 12mm overall.
11. I observed on site that, although the existing windows appeared to be generally in fair condition, there was evidence of some decay and deterioration which if left unchecked, would have the potential to adversely affect the historic fabric of the building.
12. Having regard to the age and condition of the existing windows in the main south elevation and the guidance produced by Historic England (HE) cited by

³ As shown on Drawing No. 2106.1 Rev 1.

⁴ Application Ref: W/05/1903/LB.

⁵ Application Ref: W/22/1205/LB.

⁶ Windows B and E.

the appellant⁷, the potential exists for an acceptable scheme to be devised that would secure their removal and appropriate replacement, preserving the building's special interest and not harming its significance.

13. However, it is imperative that proposals are accompanied by drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over what is proposed, and to allow a robust assessment of any consequent effects. In assessing whether the proposed units would be appropriate replacements, I find the drawings and specification submitted with the application, upon which the appeal is determined and which would form part of any formal decision if I were minded to allow⁸, to be wholly deficient in these respects.
14. The omission of detailed drawings (in elevation and section) of the existing windows means that it is not possible to make any comparisons and meaningfully assess any changes to the appearance of this key element of the building. More importantly, the submission of incomplete 'typical' drawings, including a 'section typical DHS window', a 'plan typical DHS window' and 'section typical glazing bar' with no full elevation drawings or full section drawings for each window, give rise to ambiguity and doubt regarding their individual dimensions, glazing pattern and overall appearance. This is highly undesirable in general terms, but especially given that the property is a Grade II listed building of national importance. Consequently, I cannot be certain that they would preserve the listed building's special interest and not harm its significance.
15. Indeed, from the limited information provided and noting the drawings that were submitted as part of the previous grant of consent⁹, I have serious concerns that the incorporation of what would be much wider glazing bars with less elegant profiles would result in a noticeably different appearance to that of the existing windows. These concerns were realised to an extent when on site in viewing the windows that have already been replaced as part of the 2023 consent; and compounded by noting other details including the unduly prominent black spacer strip between the two panes of glass and high reflectivity of the glazing.
16. As a result, the replacement units as proposed would have the potential to adversely alter a key feature of the building and diminish the positive contribution that the fenestration makes to the special interest and significance of this designated heritage asset.
17. I have considered whether conditions controlling the detail of the proposed windows could adequately mitigate these issues and concerns were the appeal to be allowed. However, the proposal is for replacement windows and the omitted information goes to the heart of understanding the proposed works and any effects that they may have on the special interest and significance of the asset. Mindful of the statutory duty set out in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), as decision

⁷ Historic England. Modifying Historic Windows, dated January 2023. 'Making changes to windows in listed buildings.'

⁸ List of drawings stated to have been submitted with the application and upon which the Council made its decision: Dwg No. 2106.1 Rev 1 Location Plan Proposed Plans and Elevations; Dwg No. 2106.1 Rev 1.PJF Annotated – windows for replacement; - Dwg No. 2106.2 Rev 1 Sections.

⁹ 2106.1 Rev 2 Plans, Elevations and Site Location; 2106.2 Rev 2 Half full sized double hung sash casement windows; 2106.3 Half full size casement front door; 2106.4 Elevations and windows; and 2106.5 Half full size double hung sash casement windows and doors.

maker I am of the opinion that it would not be acceptable to leave such fundamental matters to condition.

18. I recognise the appellant's desire to replace the windows in the main south elevation in order to sustain the farmhouse, improve its thermal efficiency and lessen its thermal footprint. In these respects I have had regard to the Advice Note by HE cited by the appellant¹⁰ and Paragraph 164 of the Framework¹¹.
19. Whilst I give significant weight to the need to support energy efficiency improvements to existing buildings, I also give great weight to the conservation of this designated heritage asset¹², and I conclude that it has not been satisfactorily demonstrated that the proposal would preserve the Grade II listed building, Oaks Farmhouse, or any features of special architectural or historic interest which it possesses.
20. Thus, I cannot be certain that the proposal would meet the statutory presumption set out in section 16(2) of the Act. Nor can I be sure that it would not harm the significance of this designated heritage asset and thus comply with the provisions within the Framework which seek to conserve and enhance the historic environment.
21. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Additionally, section 16(2) of the Act does not require the decision maker to have regard to the development plan when determining applications and appeals for listed building consent. Nevertheless, I note that the Council cite conflict with Policy HE1 of the Warwick District Local Plan 2011-2029 (adopted 2017). However this policy concerns designated heritage assets where harm to their significance is found which, for the reasons set out above, I have been unable to reach a conclusion on. As such, it is not directly relevant.
22. I note that the Council did not request additional information regarding the detail of the proposed windows. I have reached my own conclusion on the evidence before me. As such, this does not detract from my findings in this regard, which are a result of a lack of information and uncertainty over what is proposed.

Other Matters

23. I note that neither the Kenilworth Town Council nor occupiers of neighbouring properties objected to the proposed works. However, this weighs neither for nor against the appeal and does not alter my conclusions on the main issue.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

¹⁰ Historic England Advice Note 14 Energy Efficiency and Traditional Homes, dated July 2020.

¹¹ Paragraph 164 of the Framework in summary: Give significant weight to the need to support energy efficiency improvements to existing buildings. Where the proposals would affect listed buildings, the policies set out in chapter 16 of this Framework should also be applied.

¹² Paragraph 205 of the Framework: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.