



Appeal Decision

Site visit made on 13 May 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/B2355/Y/24/3336793

7 Ilex Mill, Bacup Road, Rawtenstall, Lancashire, Rossendale, BB4 7NQ

- 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 Hilary Williams, against the decision of Rossendale Borough Council.
 - The application Ref 2023/0389, dated 14 August 2023, was refused by notice dated 10 October 2023.
 - The works proposed are described as 'replace rotting and inefficient window in the lounge, both sides (east and west) with Residence 9 composite windows'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of clarity and conciseness I have taken the description of the proposed works from the Council's decision notice rather than the application form.
3. Since the works are in a conservation area and relate to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates some of the evidence provided by the main parties in relation to this appeal, since the revised Framework's approach to the main issues in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.

Main Issues

5. The main issues are whether the works would preserve a grade II listed building Ilex Mill (Ref: 1072788) and any features of special architectural or historic interest that it possesses; and whether they would preserve or enhance the character or appearance of the Rawtenstall Conservation Area.

Reasons

The listed building and the conservation area

6. The appeal property forms part of a grade II listed building at Ilex Mill, a substantial cotton mill built in 1856 in coursed squared rough faced sandstone.
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7. The commanding building has a tall tower and was converted into residential units in around 2004. At this time a roof extension in contrasting modern materials and a number of metal balconies were added. The appeal property is part of a five storey projection on the south side of the building and occupies the ground floor. It sits within a courtyard area and is adjacent to the river and Bocholt Way. It includes two large arched openings incorporating timber glazed doors and windows to either side of the lounge. The appellant indicates that these mark the position of a former railway tunnel through the building.
8. Despite its conversion, the building retains its imposing industrial character and functional traditional design, including the form and pattern of its openings where nine pane windows predominate. With the exception of the roof extension, it also maintains a consistent use of traditional materials to the historic part of the building, including the use of timber for the windows and doors. This provides a uniformity to the appearance of the building consistent with its previous use as a single mill. Thus it retains its authenticity and still reads as an attractive mill building indicative of Rawtenstall's important industrial past.
9. From the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its commanding scale, age and historic fabric, as well as from its functional architectural features and openings and use of traditional materials. It is also derived from the building's prominent town centre location. All these elements are important overall to the special interest of the building in terms of this appeal.
10. The appeal building is within the Rawtenstall Conservation Area. The Conservation Area Character Appraisal and Management Proposal Plan describes it as a historic Lancashire mill town located in a valley at the junction of two rivers, and enclosed by hills and moorland. Rawtenstall developed as a centre for the textile industry in the 19th and early 20th centuries, and although many of the mills have been demolished, Ilex Mill remains as do the residential streets of vernacular terraced housing. These tell of the town's industrial past and prosperity.
11. I consider that the significance of the conservation area, in so far as it relates to this appeal is mainly derived from the quality and variety of the historic buildings connected with the textile industry and the traditional historic townscape. The appeal property forms part of Ilex Mill which is recognised as the most significant local landmark and key focal building in the town. It is at ground floor level and is visible from Bocholt Way. As a result, the appeal property contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

The effect of the proposed works

12. The proposed works seek the replacement of the existing double glazed timber windows and doors to the large arched openings on both sides of the apartment, with double glazed composite windows and doors. The timber arched panels above the windows would be retained. The composite units are designed to replicate and match the other existing timber windows in the building which are painted grey. The Residence (R9) design has been chosen due to its authentic timber aesthetics and sustainability credentials.

13. I appreciate that the building's existing timber windows and door frames were installed when the mill was converted and do not form part of the historic fabric of the building. Nevertheless, with the exception of those on the fifth floor, the building's windows and doors are constructed of traditional materials commensurate with the historic character of the mill. As a result of their timber construction, they are relatively slim in width and profile with some refinement to their appearance. They were provided as part of the historic building's comprehensive and sympathetic conversion scheme. Despite some variation in the condition and precise shade of the paintwork, they are consistent in their use of timber and have a generally uniform appearance.
14. In contrast, the proposed units would be made of composite which by its nature is a modern rather than a traditional material. Detailed drawings showing the proposed units as arranged in the openings at the appeal property have not been provided, and it is not clear to me how the casements would be configured or what their arrangement would look like overall. Nevertheless, it is clear from the general assembly drawing relating to the Residence Collection, and the images provided in the Residence Case Studies, that the frames and glazing bars to the composite units proposed would be likely to be heavier in width and profile than the existing timber units. As such they would appear much bulkier and more substantial and would not match the sections or the proportions of the existing traditional joinery.
15. Whilst the proposal would not affect the distinctive nine pane windows, it would introduce unsympathetic and cumbersome modern composite double glazed units to the large arched openings at the appeal property. Given the size of the openings these would be considerable in extent and would detract from the traditional appearance of the building. They would also appear directly at odds with the building's other timber windows and doors and undermine the co-ordinated and uniform appearance of the mill.
16. The appellant states that the existing softwood units have rotted and allow water ingress. The openings on both sides of the lounge are without shelter in the open courtyard and exposed to the elements including rain and wind.
17. A Condition Report has been provided which identifies a number of issues with the windows, doors and glazing. It refers to signs of rot, expansion and contraction, along with problems with the seals which allow drafts and rainwater through. Reference is made to windows and doors being hard to close, rainwater ingress at the thresholds and window openings, damage to carpets/curtains/blinds and issues with drafts, damp, condensation and low thermal efficiency.
18. The appellant advises that the doors were replaced a few years ago by the previous owners, and suggests that the timber units need replacing every 15 years. Additionally, I understand that the appellant has undertaken three lots of repairs (which have been only partially successful) and that the sills have been painted twice in the last 18 months.
19. I appreciate that the proposed composite units would not shrink, swell or rot and would require less maintenance over a longer lifetime of some 30 years. The appellant also considers that they would provide superior acoustic, security and thermal performance along with other benefits which are considered below.

20. That said, I am mindful that by their nature it is normal to expect timber windows to deteriorate over time and that some elements of maintenance will be necessary. However, I have seen nothing to suggest that the units at the appeal property are necessarily beyond repair. I am conscious that properly carried out repairs can extend the life of timber windows and doors for a number of years depending on their design, execution and use of suitable materials. Furthermore, in the event that repairs are not possible, I also consider it likely that replacement timber windows and doors would better match the style, form, finish and detailing of the existing windows than those proposed.
21. I have had regard to the appellant's argument that all the windows and patio doors on the fifth floor of the building are UPVC. However, as set out above, the fifth floor is a later addition to the building. It incorporates a deliberately contrasting modern industrial design and use of materials, and is set back from the edge of the mill's flat roof. As such, the UPVC windows there are appreciated as part of the modern addition, and not immediately alongside the traditional openings on the historic part of the mill. Accordingly, they do not justify the use of composite units on the main part of the building.
22. Reference is also made to examples where composite units have been approved on other listed buildings and within conservation areas in the locality. The providers of the proposed units have experience of other projects relating to heritage assets in nearby postcodes. However, I am not aware of the full circumstances that led to those works and so cannot be sure that they are the same as in the case before me. As such, they do not add any weight in favour of the appeal scheme which I have in any event considered on its own merits.
23. I have also had regard to the comments made concerning the nearby listed building at Weavers Cottage which the appellant argues fails to make a positive contribution to local character and distinctiveness. However, I am not persuaded that the rundown condition of that nearby building has any bearing on the harm that would be caused by the appeal proposal or in any way justifies it. Nor am I convinced that the possibility of deteriorated timber windows at the appeal property would have a greater visual impact than the proposed works.
24. Bringing matters together, and taking all these factors into account, for the reasons given, I find that the proposed replacement composite doors and windows would appear as clumsy and unsympathetic additions at odds with the host building. In detracting from its traditional features and materials, I therefore consider that the proposed works would reduce and undermine the listed building's integrity and authenticity, and so would fail to preserve its special interest.
25. In causing harm to the listed building, which also contributes positively to the historic townscape and significance of the conservation area as described above, the proposed works would also detrimentally affect how the conservation area is experienced.
26. The proposed composite units would be at ground floor level and visible from Bocholt Way. Despite the busy nature of the road and the intervening handrails, walls and vegetation they would be seen by pedestrians and motorists there. Whilst I accept that in longer range views the precise materials of the units may not be readily discernible, their bulkier frames would

nevertheless be appreciated. As set out above, I am aware of the UPVC windows to the fifth floor, and whilst I acknowledge that this addition to the building is visible in the surrounding area, in contrast to the appeal property, it is seen in a significantly elevated position set back from the edge of the roof. As such, any views of those windows are taken at some distance, and notably, as set out above, in the context of being part of a modern addition to the building.

27. Thus, I consider that the proposed works would cause harm to the significance of the conservation area and fail to preserve its character and appearance.

Heritage balance

28. I therefore conclude on the main issues that the proposed works would fail to preserve the special interest of the listed building and the significance of the conservation area. The Council considers the proposal would only cause a low level of harm. I also find that the harm to the heritage assets would be less than substantial in this instance, but nevertheless of considerable importance and weight.
29. The Framework states at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 207 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
30. The appellant argues that the problems associated with the existing extensive timber units lead to heat loss and high energy costs. Reference is made to the government's drive for sustainability and the hierarchy of control whereby elimination is the first element for consideration. The providers of the proposed units are highly rated and have a proven track record of sustainability and ambitions of carbon neutrality. It is argued that the proposed works would provide better insulation and thermal performance, reduce heating costs, remove the need to run dehumidifiers, and result in reduced electricity consumption and carbon footprint. They would also offer superior acoustic and security performance.
31. Furthermore, the need for the regular maintenance associated with timber windows and the need for tradespeople to travel would be removed, as would the waste generated by the repairs as well as the need for chemical sealants and paint. The appellant argues that these factors would lead to further environmental benefits.
32. That said, whilst I accept that some private benefits would arise, given the limited scale of the proposed works (which relate to a single residential unit only), in my view their contribution to supporting the transition to a low carbon future and mitigating and adapting to climate change would not be great. Moreover, looking at the whole-life environmental costs, I am conscious that it may take some time before any energy and maintenance savings would offset the amount of energy used to make the composite units in the first place.
33. Additionally, notwithstanding the need for future maintenance, I am conscious that some of the benefits associated with the proposed works could be achieved via an alternative replacement of the units in timber. Furthermore, I have seen nothing to suggest that other thermal upgrading options have been

considered, such as draft proofing or secondary glazing. As such, these alternative approaches cannot be ruled out. All these factors temper any public benefits which would arise in these regards.

34. The occupier of the neighbouring property raises no objections. However, for the reasons given, I am not persuaded that the proposed works would improve their outlook. Whilst there may be a reduction in the need for access to their property to undertake repairs, I find that any public benefits arising in this regard would be minimal.
35. As a pensioner the appellant is concerned that they would not be able to afford to replace the timber units again. However, whilst appreciating that this is a worry, I am mindful that there would be a cost associated with the installation of the composite units. In any event, this matter is a private benefit only, and is not a reason to allow works which would be harmful.
36. Taking all these factors into account, I therefore find that, even taken together the public benefits of the proposed works would not outweigh the harm to the significance of the designated heritage assets I have identified. For these reasons the works would fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
37. The decision notice refers to Policy ENV2 of the Rossendale Local Plan which states that the Council will support proposals which conserve or where appropriate enhance the historic environment. Proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Less than substantial harm to such element will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. However, I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan. Even so, I have had regard to these matters as a material consideration.

Conclusion

38. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR