



Appeal Decision

Site visit made on 12 June 2024

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/D0840/Y/23/3334394

Tillys Cottage, 13 Lemon Hill, Mylor, Cornwall, TR11 5NA

- 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 Melanie Surguy against the decision of Cornwall Council.
 - The application Ref is PA22/11169.
 - The works proposed are described as "listed building application to replace the softwood windows with hardwood on the front elevation and replace single glazed softwood windows with heritage slim double glazed hardwood windows".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on site that the windows on the rear and side elevation were heritage slim double-glazed windows. These appear to have been implemented in accordance with permission PA21/12812 which also granted listed building consent for the replacement of the remaining windows on the front elevation with single-glazed windows. The consent is subject to a condition which requires the re-use of the existing historic glass where possible.
3. This proposal replicates the previous consent in that it seeks consent for the replacement of the rear and side windows with double glazed units, which has already been implemented. It differs in that it seeks to replace the windows on the front elevation with double glazed units.

Main Issue

4. The main issue for the appeal is the impact of the proposal on the special architectural and historic interest of this Grade II listed buildings known as 11 - 13 Lemon Hill and the impact of the proposal on the character and appearance of the Mylor Bridge Conservation Area.

Reasons

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Policy 24 of the Cornwall Local Plan seeks to sustain designated heritage assets and take opportunities to better reveal their significance. It also seeks to maintain the special character and appearance of Conservation

Areas and to ensure that alterations to listed buildings respect the building's character and appearance and preserve, restore or complement its features of special architectural or historic interest. Policy HE1 of the Mylor Neighbourhood Plan seeks to ensure that any new development sustains and enhances the significance of the heritage asset. These policies reflect the statutory duties defined in the Act.

6. 13 Lemon Hill forms the end building in a terrace of three dwellings which date from the early 19th Century. Whilst the front façades of numbers 11 and 12 are identical, with 3 windows on either side of the front doors, Number 13 has a group of 3 windows to the right of the front door. The windows are all single glazed 8 over 8 hornless sashes. Notwithstanding the state of repair of some of the windows, the regularity of the window spacing, and the uniformity of their appearance provides a pleasing composition that contributes to the character of the wider streetscape. The significance of the asset lies in its status as a part of a group of relatively well preserved vernacular buildings which make a positive contribution to this part of the Mylor Conservation Area.
7. The proposal would replace the end three windows on the frontage with wooden framed double-glazed windows. The plans depict the glazing in each frame being comprised of single sheets, with no break in the glass and no horizontal glazing bar depicted. I note that the appellant has confirmed that individual panes could be implemented, as have been used on the side and rear of the building. However, even if this were to be secured by condition, the reflective qualities of these panes would be uniform, and so would not replicate the appearance of the historic glass that is in situ. I noted on site that in nearby buildings the flat appearance of the glazing was a tell-tale sign that double glazing had been used, even when the frames were a high-quality replication of the original.
8. In this case the replacement windows would form part of a wider façade, the regularity of which contributes to its significance. The appearance of the double-glazed panes would be notably different to the remaining windows on the façade, as they would lack the subtle variations and irregularities that are evident in historic glass and which contribute to the character of the windows within the façade. In this regard their loss would result in a detrimental change to the appearance and character of the windows which would erode the uniformity of the façade and the significance of the Grade II Listed building. It would also have a small but nonetheless harmful effect on the character of the conservation area.
9. I consider the level of harm caused to the significance of the heritage assets to be less than substantial. The National Planning Policy Framework (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
10. The existing windows on the front façade are in poor condition and their replacement would help facilitate the long-term use of the building. However, I note that the existing consent for single glazed window replacement, if implemented, would bring the same benefits and so I give no weight to this matter. The thermal qualities of the double-glazed windows would help to

reduce heat escape from the dwelling and so would have wider environmental benefits. Taking into account the number of windows that have yet to be replaced, set against the benefits that would be derived from installing well-fitted and high quality single pane windows, which could be achieved by implementing the existing permission, I give matter only limited weight to this matter as a public benefit.

11. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation and that any harm should require clear and convincing justification. I therefore attribute great weight to the harm which would arise to the significance of the listed building and to part of the Mylor Bridge Conservation Area as a result of this proposal and find the benefits identified to be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the revised Framework. It would also fail to comply with the requirement of Policy 24 of the Cornwall Local Plan and Policy HE1 of the Mylor Neighbourhood Plan which both seek to ensure new development sustains and enhances the significance of heritage assets.

Conclusion

12. The proposal would fail to comply with the development plan, taken as a whole. No material considerations indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal be dismissed.

Anne Jordan

INSPECTOR