



Appeal Decision

Site visit made on 4 June 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/C1570/Y/23/3333966

Laundry Cottage, Cambridge Road, Quendon, Essex CB11 3XJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by Mr Richard Hartley against the decision of Uttlesford District Council.
 - The application Ref UTT/23/1201/DOC sought approval of the replacement of 1980 stormproof casement windows and door at the back of the property to flush timber casement windows and door pursuant to conditions Nos 3 of listed building consent Ref UTT/22/1300/LB granted on 28 June 2024.
 - The application was refused by notice dated 23 June 2023.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building consent I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
3. There is no dispute between the parties that the site lies within the Quendon and Rickling Conservation Area (the CA). However, the works would be to the rear of the property and thus be screened from the public realm by the body of the building. The proposed changes would not be visible from the public or private domain, as views into the site from the private realm are effectively screened. Case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance. I have therefore considered only the effect of the proposal on the listed building in my reasoning below.

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building known as "Laundry Cottage" (Ref: 1216677) (the LB), and any of the features of special architectural or historic interest that it possesses.

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

Reasons

5. The LB is a two-storey timber framed house, plastered in panels. It dates from the 17th or 18th century with a later wing projecting to the front. The front of the house features leaded casements, and one leaded casement remains on the rear elevation. To the rear a door and number of windows have been replaced, the windows being modern, top hung casement windows. Nonetheless, externally, the cottage retains a significant proportion of its historic architectural features.
6. Given the above, I find that the special interest of the LB, insofar as it relates to this appeal, to be primarily associated with its historic fenestration and use of traditional materials.
7. The Council have given listed building consent² to replace a number of modern windows and a door to the rear of the building. This consent was subject to a condition (Condition 3) requiring the submission of details to ensure that the replacements would preserve the fabric, character and special interest of the designated heritage asset.
8. There is, therefore, no dispute between the parties that the windows and door can be replaced. The dispute solely relates to the design of the replacements.
9. Whilst the glazing bars would have a traditional 'Georgian' style' appearance, when viewed from outside, they would be applied to the surface of the window, rather than extending from front to rear and separating the panes. This would lead to little more than a poor quality pastiche. Further, whilst no dimension has been provided for the overall thickness of the units, a gap of 8mm is proposed.
10. Double glazing, even of a slimline type, would, by virtue of the second pane have a greater reflectivity than a single pane. This effect would be emphasised in the proposal by the uniformity of reflection from the single plane of glass. This would be discernible from a window incorporating individual panes separated by glazing bars, which would reflect light in slightly different planes.
11. The windows would, therefore, appear incongruent and at odds with the existing historic windows and would thus harm the special architectural and historical interest of the LB. The Council have indicated that a design using individual panes, albeit double-glazed, would be acceptable. Bearing in mind that the consented works would replace modern windows of no historic interest and that the condition would ensure a marginal improvement in terms of a multi-pane design, it would not offend and have an overall neutral effect, unlike the proposed works.
12. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
13. The appellant has provided examples of works in conservation areas and on listed buildings where similar replacement windows to those proposed have been used. However, existing harm does not justify further harm. I also do not

² Council Ref: UTT/22/1300/LB

have any information on the planning history or lawfulness of those works and, in any event, I have determined this appeal on its own merits.

14. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
16. The improvement of the thermal efficiency of the windows would improve the energy efficiency of the building, and such measures are supported by paragraph 164 of the Framework. However, any such benefit to the public by improving the sustainability of use of the building would, equally, be provided by the installation of windows in line with the Council's requirements in regard to the existing listed building consent. Therefore, I have given this benefit no weight in my consideration of the proposal.
17. Consequently, I do not find that there are any significant public benefits sufficient to outweigh the harm that I have identified in this instance. I also note that the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
18. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 206 of the Framework.

Conclusion

19. Given the above and considering all other matters raised, the appeal should be dismissed.

I A Dyer

INSPECTOR