

Appeal Decisions

Site visit made on 2 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal A: APP/Z1510/W/24/3337884

2 William House, Old St. Michaels Drive, Braintree, Essex CM7 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Marc Newton against the decision of Braintree District Council.
 - The application reference is 23/02536/FUL.
 - The development proposed is replacement of wooden sash windows.
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Appeal B: APP/Z1510/Y/23/3334823

2 William House, Old St. Michaels Drive, Braintree, Essex CM7 2AA

- 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 Mr Marc Newton against the decision of Braintree District Council.
 - The application reference is 23/02340/LBC.
 - The works proposed are replacement of existing sash windows with double glazed timber windows.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the appeal site lies within a conservation area and relates 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. In the interests of conciseness, I have taken the description of the works for the listed building consent from the decision notice.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, known as 'St Michael's Hospital' (Ref: 1122483), and any features of special architectural or historic interest that it possesses; and, whether the proposal would preserve or enhance the character or appearance of the Braintree Town Centre Conservation Area.

Reasons

6. William House was built at the end of the 19th century. It lies within the curtilage of St Michael's Hospital, which is a Grade II listed building. St Michael's Hospital was formerly the old Braintree workhouse and dates back to 1837. It is a part 3 storey and part 2 storey building, which has a uniformed pattern of fenestration. William House is sited a short distance to the front of St Michael's Hospital. It is an attractive brick built building, which contains traditional timber framed, sash windows. The existing windows are single glazed with horns. Internally, some of the windows retain their historic ironmongery.
7. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. As structures within the curtilage that have a principal and accessory relationship to the main building, William House is also consequently listed. Whilst not in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
8. Based on my site visit and the evidence before me, I find that the listed building's special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interest as an illustration of 19th century architecture. The building's historic fabric and traditional materials and fenestration make important contributions in these regards.
9. The proposal seeks to replace the existing windows with new timber framed, double glazed, heritage style windows. The appellant advises that two of the existing windows are modern additions, which replaced the historic windows on a like-for-like basis. Like the historic windows, the more modern windows are single glazed and have a timber frame. The other windows retain historic fabric and make a positive contribution to the special interest of the listed building. While I observed that a couple of the sills show some signs of rot, the sills are not proposed to be replaced.
10. Although the appellant advises that the existing windows are drafty, there is no condition survey before me of the condition of the windows. I observed the windows on my site visit and found them to be in a reasonable condition. The existing windows by reason of their traditional character, design, appearance and historic fabric make a positive contribution to the special interest of the listed building.
11. While I noted some double glazing present on other buildings within the grounds of St Michael's Hospital, these were primarily on more modern buildings and the historic buildings predominantly have traditional single glazed windows.
12. The appellant advises that the windows would be replaced like-for-like, apart from the glass panes within the sashes. The appellant advises that the existing glazed panes are 6mm thick and would be replaced with panes that would be 14mm thick in total. While there are no cross section drawings before me showing the profile of the windows, the use of double glazing has different reflective qualities and a chunkier profile, which would result in a far more modern appearance. In addition, the proposal would result in the loss of historic fabric, which currently makes a positive contribution to the special

interest of the listed building. As a result, the proposal would fail to preserve the special interest of the listed building.

Conservation Area

13. The appeal site lies within the Braintree Town Centre Conservation Area (CA). I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA in my decision. The CA covers a large area, including the retail core of the town and surrounding residential development. The significance of the CA insofar as is relevant to Appeal A is derived from its historical significance as a former medieval market town and later as an important hub for textile manufacturing in the 19th century. The CA contains a range of high quality historic buildings, including industrial, residential and commercial. The listed building as a whole, makes a positive contribution to the significance of the CA, due to its use of traditional materials, origins as a former workhouse, illustration of 19th century architecture and its historic fabric, including its sash windows.
14. As William House lies to the front of St Michael's Hospital, it is a prominent building within the street scene. The existing windows by reason of their traditional character and presence of historic fabric make a positive contribution to the significance of the CA. Some of the windows that are proposed to be replaced would be visible from the public realm. As set out above, I find that double glazing would have a chunkier profile, which would result in a far more modern appearance than the existing windows. The proposal would also result in the loss of historic fabric. Consequently, the proposal would fail to preserve the character and appearance of the CA, which derives much of its significance from the traditional architectural detail of the buildings within it.

Other Matters

15. The appellant considers that they could replace the existing windows, with new, single glazed sash windows on a 'like-for-like' basis without consent, which would result in the loss of historic fabric. In respect to historic windows, Historic England guidance¹ is clear that retention, repair and refurbishment is the starting point. Their replacement can only be considered if they are in such poor condition as to be beyond repair.
16. Paragraph 7(1) of the Act states that '*no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.*' The removal of the remaining historic windows would affect the character and the special architectural and historic interest of the listed building. I am therefore not convinced that such works could be implemented without consent. Furthermore, given the condition of the windows that I observed on my site visit, and in the absence of any evidence to the contrary, there appears to be no reason to replace them with new single glazed windows, as this would not achieve the objectives of the appellant. As a result, I give this argument limited weight in my decision.

¹ Historic England – Traditional windows: their care, repair and upgrading, February 2017.'

Public Benefits and Heritage Balance

17. Paragraph 205 of the National Planning Policy Framework 2023 (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 advises 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. I find the harm to the listed building and the CA to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
19. I acknowledge that double glazing would improve the thermal efficiency of the property and contribute to the government's goal of achieving net zero. While the appellant advises that the windows would reduce energy loss by approximately 50%, I have not been provided with substantiated evidence that the windows could not be made more energy efficient through alternative works, such as secondary glazing, which would enable the historic fabric to be retained. Consequently, this only carries limited weight as a public benefit in favour of the proposal.
20. The proposal would reduce the appellant's energy costs and help to reduce drafts, which would result in a more hospitable internal environment, which are private benefits. However, there is no compelling evidence before me to suggest that the use of the building would cease in the absence of the proposed changes. As a result, I do not find them necessary to secure the viability and long-term conservation of the building.
21. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit.
22. Overall, there would be limited public benefits from the proposal. Consequently, in attributing great weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
23. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and significance of the listed building and the CA. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. The proposal would also conflict with Policies SP7, LPP47, LPP52, LPP53 and LPP57 of the Braintree District Local Plan 2013 – 2033, adopted February 2021. These policies among other things seek to protect and enhance the historic environment and assets of historical value, and conserve and enhance local features of architectural and historic importance.

Conclusion

24. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

A James

INSPECTOR