



Appeal Decision

Site visit made on 25 June 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/Z0116/Y/24/3339921

61a Kingsdown Parade, Cotham, Bristol City, Bristol BS6 5UG

- 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 Dr Theresa Allain against the decision of Bristol City Council.
 - The application is referenced 22/05782/LA.
 - The works proposed are described as "1) To replace existing rotting and broken, sash and casement double-glazed windows with much improved, historically more in keeping, traditional wooden replacement windows.... 2) To repair render on external walls. The cement render to the front elevation (garden-side)... to remove all render from this elevation and replace with lime render.... The render on the back (lane-side) elevation is cracked and will be repaired or replaced as necessary."
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Decision

1. The appeal is dismissed insofar as it relates to the repair or replacement of render on external walls. The appeal is allowed insofar as it relates to the replacement of the existing sash and casement double-glazed windows with traditional wooden replacement windows and French doors.
2. Listed building consent is granted to replace the existing rotting and broken, sash and casement double-glazed windows with much improved, historically more in keeping, traditional wooden replacement windows at 61a Kingsdown Parade, Cotham, Bristol City, Bristol BS6 5UG, in accordance with the terms of the application Ref 22/05782/LA, so far as relevant to that part of the works hereby permitted and the plans submitted with it, and subject to the following conditions:-
 - 1) The works authorised by this consent shall begin no later than 3 years from the date of this consent.
 - 2) No works authorised by this consent shall commence until plans of the existing and proposed elevations at a scale of 1:20 and clearly annotated to illustrate the windows and doors to be replaced have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
 - 3) No works authorised by this consent shall commence until details in elevation and section at a scale of 1:5 and showing the design, materials, fixings, finish, colour, and details of the sash, the casement and the door opening mechanisms for each of the windows and doors, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- 4) No works authorised by this consent shall commence until details in elevation and section at a scale of 1:2 and showing the glazing units and bars, the rails, linings, heads, cills, and position of the windows and doors within the reveal, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 5) No works authorised by this consent shall commence until a schedule and methodology detailing the removal of the existing windows and doors, the installation of the replacements, and works of making good, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Procedural Matters

3. The description of works above is taken from the original application, as described in the sentences marked 1 and 2, although I have omitted the phrases which address the purpose and merits of the works. In Section E of the appellant's appeal form the description of works is described as replacement windows and repair/replacement of external render (sage green). This description is consistent with the works as described in sentences 1 and 2 of the original application, and also with the submitted drawings, albeit these include the replacement of French doors. Consequently, the works as described in the original application have been used in the formal decision.
4. 61a, 61 and 63 Kingsdown Parade are grade II listed buildings within the Kingsdown Conservation Area. As required by Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issue

5. The main issue is whether the works would preserve a listed building and its setting and any features of special architectural or historic interest which it possesses, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

Windows

6. The appeal property is part of a long terrace of houses within a mostly residential area that comprises numerous historic buildings. The houses within the terrace of which the appeal property forms part are set back from Kingsdown Parade behind gardens, many of which have walls and gates abutting the public highway. To the rear is a narrow lane with the terrace forming a tall and continuous wall immediately adjacent to the public highway.
7. 61a Kingsdown Parade (No 61a) is a three-storey terraced house with attic floor. This late eighteenth century house has the elegant, mannered appearance that is so characteristic of Neoclassical homes. Although the existing windows are modern replacements, the balanced positioning of the doors and windows within the walls, along with the legible hierarchy of its

windows are part of the special interest of this listed building. The size of the window openings also reflects the former social functioning of the house with the larger, multi-paned sash windows reflecting principal rooms.

8. Such attributes are part of the significance of this listed building, as is its positioning within a long terrace that comprises mostly historic, Neoclassical styled houses. To either side of No 61a there are other grade II listed buildings, 61 and 63 Kingsdown Parade. The three houses harmonise with each other in terms of height, and their strong vertical emphasis, along with their mannered classical style and forms is an integral element in the setting to each listed building. Both to the rear and front, the presence of so many high-quality historic buildings positioned in a long terrace forms part of the cohesive identity of these houses that contributes to their significance and to their settings.
9. This historic terrace has an imposing impact in the area, in part due to its length and the number of similarly sized and styled houses within it, and also because of the set back of these homes behind gardens. The terrace is one of several, long terraced rows that give the conservation area a distinct, high quality historic character and appearance. Not only do these attributes form part of the settings of the appeal property and those nearby, but they also are part of the character and appearance of the conservation area.
10. Both the front and rear windows of the appeal property are modern timber double-glazed units. Whether sash or casements, the existing windows have very deep rails, broad and unmoulded glazing bars and horns, and unshaped cills. The substantial breadth of the timber work dominates the windows, and in all cases the broad separation between the double-glazing is particularly evident. Whilst the appellant has not provided a window-by-window condition survey, from the evidence before me, including what I saw during my site inspection, the paintwork on the windows had deteriorated, several of the cills were rotten, and there was localised deterioration of other timber elements evident.
11. Whilst noting that the Council's Conservation Area Appraisal (2008) seeks to encourage the repair and retention of original windows, the existing double-glazed windows and French doors have a conspicuous and cumbersome presence. The repetition of this style across both elevations of the property results in a strong consistency of form and appearance that is at harmful odds with the elegant, mannered appearance of the host building, and with that of those nearby. Moreover, the nature of the existing windows is such that even when they are seen from Kingsdown Parade, they harmfully draw the eye. Such a prominence disrupts the high-quality, historic harmony that is part of the impact of the terrace within the conservation area.
12. Windows and doors play an important role in the elegant appearance of classically styled buildings, and where possible repair rather than replacement is recommended. However, in this instance the existing windows and French doors are modern replacements, and the significance of the listed building, the setting of those nearby and that of the conservation area has been harmed by their presence. In such circumstances Historic England advises that consideration of new slim-profile double-glazed replacements can occur where the new ones would be of a more sympathetic design and the net impact on

significance would be neutral or positive and where no incidental damage to the building fabric would result from their removal.

13. Although the replacement windows would be double-glazed, they would replicate the style of those they would replace, whether sash or casement. The windows would be hardwood, with slimline units puttied into through-bars, which would be custom moulded as would the cills. The timberwork would have a more elegant form and appearance than the existing. There would still be a double reflection occurring with the replacement double-glazing, but the presence of narrow spacers between the glass would be less visually intrusive and thereby less harmful to the significance of the listed building than the existing windows. Whilst some local residents object to ovolo mouldings, given the flat, broad detailing present upon the existing windows and the variety of mouldings present in nearby properties, the proposed windows with their slim glazing bars would have a more sympathetic appearance with the listed building and those either side.
14. Having regard to the planning history of the property, the existing double-glazed softwood modern windows appear to have been in place for some time, and their form is legibly and overtly modern. Given this, the removal of the existing modern windows would not result in the loss of historic fabric, albeit their removal from the building would require care to prevent any further loss. An eight over eight pane sash may be more appropriate within the rear of the building, but there are a variety of sashes to the rear of the terrace, including a number with six over six.
15. There would be an environmental impact with the complete replacement of all the windows and the French doors, both in terms of the construction of the new and the disposal of the existing ones. However, several of the windows show localised decay and deterioration, including several of the cills, and the underside of the sashes and casements. Whilst the preferred option would be to repair rather than replace, particularly given the carbon footprint associated with manufacturing the units, there would be environmental benefits arising from the new windows as they would help to prevent damp ingress and maintain the thermal efficiency of the building.
16. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given my findings, the replacement windows and French doors would have a positive impact upon the listed building, upon the settings of those either side and upon the character and appearance of the conservation area, particularly as the works would remove modern alterations that cause harm to their significance. In addition, there would be wider environmental benefits associated with reducing damp ingress into the building along with the energy saving benefits of double-glazing. Taken as a whole, the public benefits are of a sufficient magnitude to outweigh the less than substantial harm that would occur to the significance of the heritage assets and the considerable importance this carries.
17. For these reasons, the works would preserve a listed building and the special interest which it possesses, as well as enhance the settings of those nearby, and also enhance the conservation area. These works would accord with the objectives of the Act and those of the Framework. Although not determinative in listed building cases policies within the Council's Core Strategy (2011) (CS)

and Sites Allocations and Development Management Policies (2014) (SADMP) have been brought to my attention. Given my findings the replacement windows would accord with the objectives of CS Policies BCS21 and BCS22, and SADMP Policies DM26, DM30 and DM31. These seek, amongst other things, that schemes should contribute positively to an area's character and identity and distinctiveness, including reflecting locally characteristic architectural styles, that which enhances heritage assets and respects the character of the host building, that which would have no adverse impact upon the special interest of a listed building and its setting, and that which would enhance those elements that contribute to the character or appearance of a conservation area, thereby reflecting objectives of the Framework.

18. In addition to the policies referred to above, SADMP DM27 has also been referenced by the parties. However, this policy is concerned with the layout, pattern and arrangement and form of buildings, structures and spaces, and given these objectives the weight I can attribute to its requirements is thereby limited.

Render

19. The works proposed within the original application are as described above, albeit the Council have certified as lawful the replacement of the render on both the front and rear elevations (application ref: 23/01571/CPLB). Notwithstanding the description of works above, which is taken from the original application form, the appellant has explained that they are appealing against the refusal of consent for the replacement of the windows and French doors.
20. The evidence for the appeal provides limited detail of the render works, and despite the Certificate of Lawfulness, neither plans nor supporting documentation is before me. Whilst noting the presence of the Certification, the description of works for the appeal has not been altered, and both the decision notice and the appellant's grounds of appeal form describe the works required as the replacement windows and as render replacement / repairs.
21. The removal of cement render from historic fabric has the potential to cause significant damage to the listed building, and this could include to the historic fabric of the adjoining buildings either side. Consequently, the impact of the proposed render works upon the listed buildings cannot be robustly assessed. Moreover, the certified works are different to those for the appeal which required the repair or replacement of the rear elevation render. Even with the Certificate, as regards the appeal works there remains ambiguities and uncertainties as to whether the special interest of the building and those adjoining it would be maintained.
22. Given my findings, the render works would fail to preserve the special interest of the listed building and those nearby, albeit the impact upon the significance of the conservation area would be neutral as the appearance of the building would not significantly change. The harms would be less than substantial as the works would affect only part of the buildings, although these harms would be of considerable importance and weight.
23. Under such circumstances, the Framework advises that where development would lead to less than substantial harm that this harm should be weighed against the public benefits of the proposal. The removal and or repair of

cement render would be a public benefit of the scheme as it would remove a modern material. However, the nature and extent of the works and the impact upon the special interest of the listed buildings has not been demonstrated with any degree of certainty. In such circumstances, the public benefits would not outweigh the harms, and the continued viable use of the appeal property is not dependent on the works as the building has an ongoing residential use.

24. On balance these works would fail to preserve the special interest of the listed building and those nearby, and this would be contrary to the requirements of the Act, objectives of the Framework, and to those of the above referenced CS and SADMP policies.

Conditions

25. The Council have not suggested any conditions for the works, although a list of headings for subject matters for conditional requirements for the windows has been suggested in the appellant's evidence.
26. Having had regard to this list, I have imposed the standard time condition so as to avoid doubt and in the interests of proper planning. I have also imposed conditions requiring further plans and details as suggested by the appellant's list, including large-scale drawings, and one requiring a schedule and methodology for the removal of the existing windows and doors, the installation of the new ones, and making good works. These are all necessary not only for clarity but in the interest of preserving the listed building, the settings of those nearby, and the character and appearance of the conservation area.

Conclusion

27. For these reasons, the appeal is dismissed insofar as it relates to the replacement / repair of the render on the external walls. The appeal is allowed insofar as it relates to the replacement of the existing sash and casement double-glazed windows and French doors on the front and rear elevations with traditional wooden replacements.

J J Evans

INSPECTOR