



Appeal Decision

Site visit made on 25 July 2024

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/G1630/Y/23/3334802

Street End Cottage, Minsterworth, Gloucestershire GL2 8JJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA Act') against a refusal to grant listed building consent ('LBC').
 - The appeal is made by Roger Ingham against the decision of Tewkesbury Borough Council ('TBC').
 - The application ref. is 23/00909/LBC.
 - The works are described in TBC's decision notice of 28 November 2023 as: 'Removal of external wooden door in front porch. Replacement with high-quality wood effect composite doors. Removal of external wooden stable door in rear porch. Replacement with high-quality wood effect composite stable doors. Replacement of four single glazed windows (two in each porch) with high-quality wood effect uPVC double glazed windows.'
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the works in the banner heading above, from TBC's decision notice, is both accurate and more succinct than that in the application form. I am told that the works were completed by 15 April 2022.
3. The works relates to grade II listed Street End Cottage.¹ The list entry explains how the listed building forms a group, in era and character, with Snowdrop Cottage opposite.² I have therefore approached the appeal in the context of section 16(2) of the LBCA Act; section 66(1) relates to development which affects the setting of a listed building.³
4. Whilst each scheme must be determined on its merits, there is some noteworthy planning history here. I understand that TBC advised the appellant, via correspondence of 7 February 2023, that LBC would be needed for the replacement of certain windows. The appellant explains that correspondence relates to other windows than those at issue in this appeal.
5. Nevertheless that engagement with TBC preceded the submission of application ref. 23/00909/LBC (on 6 October 2023). The appellant further explains that 'we were completely unaware that the porch doors and windows [as above,

¹ List entry no. 1340320.

² List entry no. 1091350.

³ TBC acknowledge that the reference to section 72(1) of the LBCA Act in their decision notice, which relates to conservation areas, is inaccurate in the absence of such here.

replaced by 15 April 2022] would also require planning permission [LBC] given that they were part of 1991 extensions.’ Whilst it is not in dispute that LBC is required, the appellant’s position in that respect is understandable.

6. Although any part of a listed building is an element of it, the windows and doors at issue replaced relatively recently installed predecessors. Although evidence as to their pre-existing nature is limited,⁴ I understand they were installed in 1991 as part of works authorised in 1989 (including the construction of the 2 porches to which they relate).⁵ The list entry also sets out that the original form of Street End Cottage was likely 2-bay, subsequently extended (potentially in the 1970s).⁶
7. What the windows and doors replaced is relevant. As above, however, the information before me in that respect is limited. An alternative approach to assessing the works is, more simply, to consider whether what now exists is appropriate. Much of the argumentation before me relates to whether or not the replacements are of ‘high quality’, a nebulous phrase. Of central importance is instead the effect of the works to historic significance.

Main issue

8. The main issue is whether the works preserve Street End Cottage, its setting, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

9. The list entry describes how Street End Cottage traces its origins to the mid-to-late seventeenth century, notwithstanding successive alterations). The oldest element, signified by rustic brickwork arranged in irregular bond infilling timber framing, is sandwiched between latter additions facing north towards Church Lane and south towards the River Severn. As above those latter additions, both faced in modern brickwork arranged in stretcher bond, appear to date from the late twentieth century. The porches to which the windows and doors at issue relate, constructed in 1991, are single-skin brickwork.
10. Whilst it is fair to summarise that the accumulation of recent alterations to the listed building have not been particularly sympathetic, the central element of Street End Cottage is appreciably historic. Moreover in my view the existence of unsympathetic alterations do not justify further harm (but, if anything, place greater emphasis on maintaining that significance which remains). The historic elements of the listed building, similar to less-altered Snowdrop Cottage, authentically reflect various aspects of the past in the present.
11. Reflecting a rural and essentially functional nature, the listed building was originally modest. That modest form, and the intimate nature of spaces within the property, also authentically reflects the limitations of historic construction (resulting from the spans of available timber and structural qualities of locally

⁴ Photographs supporting the appellant’s case, including in the appellant’s bundle entitled ‘Street End, Replacement Doors and Windows’ are limited in terms of precision and resolution.

⁵ Ref. 89/91513/FUL and 89/91514/LBC.

⁶ I note that further development or works have previously been permitted or authorised for the creation of a greenhouse (ref. 18/00038/FUL) and in relation to a detached modern garage (ref. 23/00927/FUL), albeit that both are of no real relevance to this appeal.

produced irregular brickwork). Unsurprisingly historic elements of the property are constructed from readily available local materials, reflecting something of a loose local vernacular. The listed building originally emerged out of its surroundings. The arrangement of those materials also, in turn, embodies historic craftsmanship.

12. Insofar as it relates to this appeal, the special interest and significance of Lane End Cottage derives principally from the legibility of local historic materials and craftsmanship. Whilst the overall composition of the listed building has been much altered, those characteristics are still very much apparent. They speak authentically to the past in the present and, in turn, embody broader intangible historical trends in physical form.

The works

13. Simply put, 2 doors and 4 windows at what the appellant describes as the 'front' (southern) and 'rear' (eastern) porches constructed in 1991 have been replaced. Porch windows are modest, square, and of simple four-pane design. The front door emulates a rustic vertical plank aesthetic with a central rippled glass diamond detail. The rear door is similar, albeit a stable door with a faux leaded frosted inset glass panel. The appellant explains how the uPVC windows are 'constructed with joints that mirror wooden frames', and that the 'Solidor composite doors have a solid wood core base and are not 100% UPVC and are of extremely high quality. They do not lack design features'.

The effect of the works

14. The appellant has evidently installed replacement windows and doors which they have carefully considered the aesthetic of, drawing my attention to a replacement composite door at grade II listed 'Old Pound Farmhouse' (which the appellant has taken reference from).⁷ As above, I acknowledge that the doors and windows relate to recent additions to the listed building (which I saw are relatively poorly constructed single-skin brick additions). No historic fabric has therefore been affected. I also accept that there is highly limited visibility of either porch from public vantage points. The appellant furthermore notes that Minsterworth Parish Council have no objection to the works.
15. Nevertheless, in short, the replacement doors and windows are antithetical to significance. Materially uPVC or composite bears no relationship to the historic integrity of the listed building. Whatever composition of uPVC or composite is created by mixing materials extracted from wherever they are found globally and the resultant mix being extruded, formed or engineered rather than crafted.⁸ Emulating a plank and woodgrain effect, finished pure white, exacerbates that dissonance; there is no indication that the woodgrain effect is reflective of any form of local timber (or, moreover, any natural timber).
16. Double glazing is similarly anachronistic. In this instance double-glazed windows appear clearly modern and engineered, with the windows having a cluttered character on account of reflections from two panes of glass (an effect

⁷ Old Pound Farmhouse, list entry no. 1171815, is also referred to in the evidence before me as Moonbeam Cottage (LBC ref. 22/00220/LBC).

⁸ Albeit under review in connection with other guidance on adapting historic buildings for energy and carbon efficiency, Historic England's guidance of 8 February 2017 entitled 'Traditional Windows: their care, repair and upgrading' sets out extensively the potential pitfalls of uPVC windows in respect of significance.

which is not inevitably so pronounced subject to certain sensitive approaches to glazing). In that respect, and in the weight of jambs and rails, the windows lack the finesse of even what the appellant describes as the 'original window style' elsewhere at more recent elements of the listed building.

17. There is moreover nothing to indicate that the glazed panels at either the front or rear porch doors are consistent with the character of that which was here before, or of a local vernacular. Whilst they add visual interest, both the rippled glass diamond and frosted faux leaded panel are distinctly modern flourishes. Whilst, structurally, the replacement windows and doors might be termed high quality, their appearance jars with qualities of the listed building which contribute to significance.
18. That discordance is not moderated by limited visibility (or the absence of public objection to the scheme). Visibility and significance are somewhat different concepts; section 7 of the LBCA Act restricts works for the alteration of listed buildings 'in any manner which would affect its character'. No one would, for example, argue that harm to a listed building by virtue of gutting original internal architectural features would be moderated by a lack of public visibility. Moreover, as above, significance is embodied in the fabric and craftsmanship of the listed building itself as opposed to its prominence in its surroundings.
19. I acknowledge that consistency of decision-taking is important to the integrity of the planning system. Nevertheless, in brief, the doors installed here are not the same as that which the appellant refers to at Old Pound Farmhouse (which I saw during my site visit). One door was installed there in a secondary entrance, as opposed to two here (one of which is the principal access to the property). There is furthermore no evidence before me of the circumstances that justified the installation of the door at Old Pound Farmhouse, what it replaced, or how that door related to the significance of that listed building.

Consideration

20. For the above reasons the works fail to preserve the special interest and significance of the listed building, contrary to the clear expectations of the LBCA Act 1990 and thereby the relevant provisions of HER2 of the Tewkesbury Borough Local Plan 2011-2031 (adopted 8 June 2022) and of paragraph 205 of the National Planning Policy Framework (published 20 December 2023).⁹

The heritage balance

21. It is for the decision-taker, having identified that harm would result, to gauge its extent. As set out in paragraph 14 above, there are various moderating factors. A small proportion of the listed building, moreover, has been affected. The extent of harm may therefore fairly be characterised as 'less than substantial' with reference to NPPF paragraph 205, and towards the lower end of a spectrum of harm within that categorisation. NPPF paragraph 208 guides that, in such circumstances, the extent of harm should be weighed against any public benefits (to which I now turn).
22. I fully accept that the replacement windows and doors represent an improvement in certain respects relative to those elements of the listed

⁹ Parallel provisions existed in paragraph 199 of the 5 September 2023 version extant at the time of TBC's decision notice in respect of application ref. 23/00909/LBC.

building they replaced. That is particularly the case thermally and in forestalling damp (and uPVC or composite units may be less prone to expansion and contraction than wood). The appellant indicates that the works have resulted in a 10-15% saving in terms of heating costs, and I note that policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017) encourages energy efficiency (as, obliquely, do relevant provisions of the Building Regulations 2010 as amended). The replacement doors in particular have also aided security, noting that the appellant refers to a recent break in at a nearby property.

23. I also acknowledge, as has occurred here previously, that historic properties need to evolve somewhat to ensure that they remain in use; they are best conserved by being in use. I acknowledge that the removal or alteration of the windows now in place, as necessary, would entail some further disruption and embodied energy. However, bluntly, the works should not have been undertaken and alternatives may entail less embodied energy over their lifespan. Critically, there is nothing to indicate that alternative measures could not readily have been put in place, or could not now be undertaken, to achieve similar benefits with lesser harm. In that context the public benefits do not provide 'clear and convincing' justification for the works with reference to NPPF paragraph 206.

Conclusion

24. Notwithstanding the context to present circumstances, the works for which LBC is sought retrospectively do not preserve the listed building. They are contrary to the clear expectations of statute, the development plan and the NPPF. There are no public benefits or other considerations of sufficient weight that serve to justify the harm. I therefore conclude that the appeal should be dismissed.

Tom Bristow

INSPECTOR