



Appeal Decision

Site visit made on 25 June 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2024

Appeal Ref: APP/N0410/Y/23/3333214

**35A Chalk Stream House, High Street, Amersham, Buckinghamshire
HP7 0DP**

- 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 John Quartermaine of FEUK Ltd against the decision of Buckinghamshire Council.
 - The application reference is PL/23/2411/HB.
 - The works proposed are described in the application form as 'the owners wish to replace the aluminium and plastic front windows overlooking Amersham High Street with hardwood sash framed windows complete with Heritage England approved double glazing. Details of which are indicated on the attached Drg 14. The style of the window has been drawn to be similar to those shown in pictures dated in 1905, 1910 and 1930. While consider the front window replacement they also wish to add to further side windows to the property to allow natural ventilation and illumination of daylight into the two first floor bathrooms. Indicated on Drgs 3A and 4A'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This decision relates solely to an appeal against the refusal of listed building consent. No valid appeal has been lodged against the separate refusal of planning permission.
3. As the works relate to a listed building and are in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

4. The main issues are (i) whether the works would preserve a Grade II listed building, known as 'Buckingham Gate' (Ref: 1221473) and any features of special architectural or historic interest it possesses and (ii) whether the works would preserve or enhance the character or appearance of the Amersham Old Town Conservation Area ('the Conservation Area').

Reasons

5. The appeal property forms part of a larger building that was listed in 1958. Prominently located within the Conservation Area, this 17th century altered timber framed building, appears to have originally been constructed as a dwellinghouse and has subsequently been converted into separate residential and commercial properties. It has an irregular composition of five bays. No.35

(of which 35A forms a part) has two storeys, projecting slightly forward with a hipped roof and incorporating a traditional shopfront which, based on the photographs provided by the appellant, replaced a previous frontage in the early 20th century. Two slightly off-centre windows are above, the replacement of which forms part of the appeal works. The rear of the property shares a timber framed and brick gabled projecting wing with No.37. The brick side elevation in which two new windows are proposed, is plainer in appearance, adjoining a narrow alleyway that provides access to the rear.

6. An additional rear extension at No.35 was added in the early 1980's. No.37 is of one and half storeys with a projecting shop front with small casement window above. Its tiled roof continues across to No.39, interrupted at the front by one small and one large gable, the later with exposed timber framing with brick infill.
7. The uses of the building have evolved over time. No. 35A now comprises a single residential unit over both the first floor and the rear section of the ground floor, with retail use retained in the front ground floor section.
8. Taking account of the above, I find the special interest of the listed building insofar as it relates to this appeal, to be primarily associated with the architectural and historic interest of a 17th century high street building, including its traditional materials, construction techniques and pattern of openings. Despite some more recent alterations of less architectural significance, the building's rich variation of architectural form contributes to its importance and interest within Amersham Old Town.
9. The Council's objection focuses on the two proposed first floor windows in the flank elevation which adjoins a narrow alleyway to the rear. These would serve two existing bathrooms that currently have no windows. Whilst the front elevation of the listed building contains a variety of windows, the historic part of the east facing side elevation is of a plainer appearance with fewer openings. Located within an historic part of the building, the insertion of both windows would result in the creation of two openings and subsequent loss of historic fabric, including historic brickwork, in the side wall of the building. Although this side elevation is not prominent in views from the High Street, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
10. Despite being fairly modest alterations, this part of the works would result in an adverse effect on the integrity and special interest of the listed building which is a nationally important building.
11. I agree with the Council that the replacement of the existing first floor front windows is more sympathetic to the integrity of the listed building. However, despite such improvement, this would not outweigh the harm arising from the new side windows. As such, the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm great weight.
12. The Conservation Area covers the historic central core of the Amersham old town. The High Street contains a dense mix of residential and commercial properties with many properties of medieval and Georgian origin. The scale, grain and texture of its generally well-maintained historic buildings evidence the evolution of the community and development within the area. Insofar as it relates to this appeal, the significance of the Conservation Area is primarily

associated with the evidence of historic commercial and residential development, including the architectural and historic significance of the listed buildings within it, including the appeal building which contributes to its significance.

13. The proposed side windows would be barely visible from public vantage points in the High Street with limited visibility from the private domain. Unlike listed buildings, the significance of the Conservation Area is dependent upon how it is experienced and proposals must be judged according to their effect on it as a whole and therefore must have a moderate degree of prominence from these domains. Therefore, notwithstanding the harm to the listed building described above, given the very limited visibility of the side elevation, the proposal would preserve the character and appearance of the Conservation Area.

Heritage balance

14. Paragraph 205 of the National Planning Policy Framework ('the Framework') advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset through its alteration or destruction should require clear and convincing justification. Given that the proposals effect a small part of the building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposals, which include the securing of the optimal viable use of listed buildings. I acknowledge the benefit arising from the sympathetic replacement of the first-floor front windows.
16. The appellant argues that the lack of ventilation within the bathrooms has led to deterioration of the bathroom interiors and floors from condensation, taking account of their frequent occupation within the family dwelling. However, from the evidence provided, it does not appear that the options for alternative or improved methods of ventilation (included the use of existing breaks in the fabric) causing less harm to the special interest of the listed building, have been fully or robustly considered. Furthermore, the continued viable use of the building 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.
17. Given the above, I find that the harm would outweigh the public benefits. I conclude that the proposal would fail to preserve the special interest of the Grade II listed building 'Buckingham Gate'. This would fail to satisfy the requirements of the Act and would be inconsistent with the relevant heritage provisions of the Framework.

Conclusion

18. For the above reasons I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR