

Appeal Decision

Site visit made on 6 August 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2024

Appeal Ref: APP/Q3305/Y/24/3339324

11 Keyford Terrace, Frome, Somerset BA11 1JL

- 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 Ms Julia Gray against the decision of Somerset Council.
 - The application Ref is 2023/0776/LBC.
 - The works proposed are the replacement of the windows on the front elevation at first and second floors.
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Decision

1. The appeal is allowed and listed building consent is granted for the replacement of the windows on the front elevation at first and second floors at 11 Keyford Terrace, Frome, Somerset BA11 1JL in accordance with the terms of the application Ref 2023/0776/LBC and subject to the following conditions:
 - 1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.
 - 2) The works authorised by this consent shall be carried out in accordance with drawings numbered p2c/uk/941694/1270362 and b36c/uk/941694/1270368; and the drawing titled "11 Keyford Terrace: Proposed 'victorian' windows to first and second floor".
 - 3) No window shall be installed until details of the design of that window including cross-sections, profiles, reveal, surrounds, materials, finish, and colour at scale 1:10 or 1:20 have been submitted to and approved in writing by the local planning authority. That window shall then be made and installed in accordance with the approved details.

Procedural Matters

2. For clarity I have used the simplified description of works as expressed on the Council's decision notice but do note the additional information relating to reasoning for the replacement windows within the appellant's description of works both on the planning application and appeal forms.
3. The reasons for refusal on the decision notice refers to the 2021 version of the National Planning Policy Framework (the Framework). This was updated in December 2023. Nevertheless, the sections pertinent to this case have not

significantly changed. It is not, therefore, necessary to seek further comment from the main parties and I have referred to the updated version accordingly.

4. In April 2023 various district Councils in Somerset were replaced with a unitary authority known as Somerset Council. This included Mendip District Council and therefore the relevant development plan documents for the appeal site are Mendip District Local Plan 2006- 2029 (Part 1 Strategies and Policies - adopted 15th December 2014) (LP) and the Frome Neighbourhood Plan (NP).

Background and Main Issues

5. The appeal property is a singular dwelling within a terraced row of other dwellings called Keyford Terrace. Collectively this row of dwellings along with the attached warehouse have been listed for their group value as a Grade II listed building known as "Nos 1 to 14 and warehouse at North-west end including Garden forecourt wall and gate piers" (Ref: 1173429) (the LB) which is within the Frome Conservation Area (the CA).
6. The Council have refused the listed building consent on 2 grounds, one of which relates to the quality of the Heritage Statement presented at application stage.
7. The main issues are, therefore whether the Heritage Statement was adequate and whether the proposal would preserve the significance of the appeal property as part of the LB, and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the CA.

Reasons

Heritage Statement

8. Paragraph 200 of the Framework states that the local planning authority (in this case the Council) should require an applicant to describe the significance of any heritage assets, including any contribution to their setting. It goes on to state the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It then sets out what the minimum requirement should be.
9. It is acknowledged the Heritage Statement (HS) is limited and has been written by the appellant. However, I am satisfied it is proportionate and the minimum requirements were met. This is evidenced by the fact the HS was sufficient for The Council to come to a decision in relation to the proposal's potential impact on the LB's significance.
10. The HS does not, in the opinion of the Council, present a clear and convincing justification. However, Paragraph 206 of the Framework does not require the HS to do this specifically. Paragraph 206 as part of Paragraphs 205 – 214 sets out how to consider potential impact and that is for the decision maker to undertake on reflection of the information submitted. Again, the Council has been able to make a decision on the submitted information. That the evidence submitted did not justify the harm found by the Council is discussed in my second main issue.

11. I am satisfied that LP Policy DP3 reflects the ethos of the Framework. Therefore, I find although limited the submitted HS was proportionate to the small scale of the works proposed, and adequate in content to meet the requirements of the Framework and LP Policy DP3.

Appeal property, the LB, and the CA

12. It is understood that Keyford Terrace, although built in 2 phases was completed by 1817, with the warehouse, which is attached to No14 and positioned to the rear of Nos 10-14, being built at a similar time.
13. Keyford Terrace, including the appeal property, represents a good example of the unusual, terraced dwellings¹ found in this part of the CA, known as Keyford. There is reasonable homogeneity across the shared front elevation of the terrace regarding materials, cadence and rhythm of fenestration, and proportions between each dwelling's 3 storeys. However, it is clearly obvious there are individual design features across the terrace including front door dressings, hoods over upper floor windows and a singular bay window at No 10. Therefore, the significance of the appeal property is that it forms part of the Keyford Terrace element of the LB, which in turn represents a good example of 19th century residential development specific to the local area.
14. As the LB shows the proximity of relationship between commercial and residential, and with 3 other examples of similar terraced dwellings in the immediate area, it informs the urban and social character of Keyford as part of the wider CA.
15. The proposal seeks to replace the existing 1970s casement windows within the first and second floor front elevation of the appeal property. These were installed prior to the listing of the LB. The replacements would be with 2 over 2 sash windows, with slimline double-glazed panes.
16. The overall homogeneity of the front elevation of Keyford Terrace is important not only to the LB but the CA. However, in relation to upper floor windows there is a mix of sash and casements, as well as array of differing pane arrangements and glazing types. Accordingly, it is the similarity of the positioning and size of those windows which largely informs the uniformity of Keyford Terrace and not their actual form.
17. Nevertheless, from the evidence submitted and my observations from the site visit, it would appear likely the dwellings were built with 6 over 6 sash windows at first floor and 3 over 3 sashes for the smaller second floor windows, although the individual panes would have been similar in size across both floors.
18. It is not in dispute the current windows in the appeal property are inappropriate, nor that the proposed 2 over 2 sash windows are unlikely to be the original pane format from when the LB was built. However, that the proposed windows would be considerably more sympathetic to the design of the appeal property than the existing windows, would not require the removal of any original fabric of the building, and as sash windows would be more consistent with other windows in the LB, I find the proposal would

¹ As described in the Character Area 10: Keyford section of that From Conservation Area Appraisal and Management Proposals.

preserve the appeal property as part of the LB and not cause harm to its significance. Accordingly, as part of the built form which informs the significance of the CA, the proposal would also preserve the CA's character and appearance.

19. It is noted the Council sought an improvement to the proposal advising windows which replicated the likely original pane layout would be preferred, and any proactive response to heritage should be supported. However, as the proposal would not harm the LB and could even be considered a very slight improvement to the existing windows, I am satisfied the requirements to preserve, as set out in the Act and Framework, have been met. Accordingly, the proposal would also comply with LP Policy DP3 and the NP insofar as they seek to preserve heritage assets.

Conditions

20. The Council has suggested 3 conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
21. In addition to the standard time limit condition, I have imposed a condition requiring the works to be carried out in accordance with the approved plans as this provides certainty.
22. Given the nature of the proposed works, the integrity of the LB, its location within the CA, and the limited details in the evidence before me, it is necessary to attach a condition relating to joinery details of the windows.

Conclusion

23. For the reasons given above the appeal should be allowed.

RJ Redford

INSPECTOR