

Appeal Decision

Site visit made on 10 September 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/Y1138/Y/24/3339828

1A Chapel Street, Tiverton, Devon EX16 6BT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Peter Mardell against Mid Devon District Council.
 - The application Ref is 24/00017/LBC.
 - The works proposed are described as 'restore the 3 original sash windows at the front of the property and replace single pane glass with double glazed units, that maintain the existing aesthetic of the property. The new integrated glazed units will sit within the existing wooden frames and so the appearance will remain the same'.
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Decision

1. The appeal is dismissed and listed building consent is refused for the work described as 'restore the 3 original sash windows at the front of the property and replace single pane glass with double glazed units, that maintain the existing aesthetic of the property. The new integrated glazed units will sit within the existing wooden frames and so the appearance will remain the same'.

Application for Costs

2. An application for costs was made by Mr Peter Mardell against Mid Devon District Council. This application is the subject of a separate decision.

Background and Main Issue

3. The appeal results from the Council's failure to determine the application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted by the Council during the appeal process, which refer to harm to the listed building.
4. Accordingly, the main issue is the effect of the proposal upon the significance of the grade II listed building known as 1 and 1a Chapel Street¹.

¹ List Entry Number: 1384793

Reasons

5. The appeal building is one part of a grade II listed building. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have 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.
6. No. 1a Chapel Street is a narrow dwelling that sits alongside No. 1 Chapel Street, and with it forms a single listed building entry. The listed building has a modest appearance that is derived from a simple yet ordered arrangement of sash windows over three floors, set in a plain brick façade. The building dates from 1790, but the 2 over 2 windows are late 19th century in date. The ground floor shopfront and entrance doors are modern. Its significance is derived from its historic appearance and fabric, including its brick façade and set of five sash windows.
7. The proposal would see the three windows at the front of No. 1a reglazed with double glazed units. These would be set within the existing sashes, retaining the glazing bars. The submission clarifies that the windows would also be fully repaired, redecorated and brought up to full working order.
8. The submissions describe how the existing glass rebate would be made deeper to accommodate the thicker sealed unit. Based on the dimensions given and my observations on site I am satisfied that this would be possible whilst still retaining a sufficient clear depth of glazing bar on the inside.
9. It is suggested that the existing glass is not historic. At my visit I could not see any evidence of the typical characteristics associated with historic glass. I can therefore be satisfied that the only loss of fabric would arise from the additional rebate that would need to be formed in the existing joinery to take the new glazing. This would be a small change and would represent a modest level of harm to the building's significance.
10. Although it would be set within the existing frames and fixed in place with putty, the spacer that holds the two panes of glass apart would be visible. The ground floor window is easily viewed alongside the front door and pavement edge. In this context the modern appearance of the spacer and the arrangement of double glazing would appear at odds with the otherwise traditional form and detailing of the windows. Thus, a further modest level of harm would arise from the appearance of the double glazing.
11. The Historic England guidance to which the appellant refers suggests that double glazing can be considered in such circumstances, where the windows are robust enough to accommodate the increased thickness and weight without significant alteration. The alteration required would be modest. The sash frames are substantial and, although there is no evidence from a joiner experienced in window repair and conservation, they should be sufficient to take the additional weight. Therefore, although I have identified a modest level of harm, the proposal would accord with this guidance.
12. With reference to Paragraph 208 of the National Planning Policy Framework (Framework) any harm should be weighed against the public benefits of the proposal. The proposal would secure the repair of the windows. The Council is

of the view that this is a matter of routine maintenance and should not be considered a public benefit. In this case however, the windows have clearly been neglected for a long time. Their condition lets down the building's appearance and is damaging its fabric. Thus, repairing the windows would be good for the building and can be considered a conservation related public benefit.

13. The proposal would also improve the thermal performance of the windows. Reducing heat loss and making existing buildings more energy efficient is in the wider public interest and should also weigh in favour of the proposal.
14. The public benefits are sufficient to outweigh the modest level of harm. However, I have made this assessment by piecing together the submitted information. I have concerns about the level of information conveyed by the proposed drawings. The drawings do not appear to accurately represent the profile of the existing glazing bars or the inside of the sash frames, and they do not show the spacer that would sit around the edge of the sealed unit or the profile that the putty would take and whether it would be sufficient to cover the spacer. Furthermore, no survey drawings have been submitted, so it is not possible to understand the proposal's impact with a sufficient degree of accuracy. This is important for a proposal that would see historic windows irreversibly altered.
15. Paragraph 205 of the Framework states that great weight should be given to the conservation of a heritage asset, and without having the necessary information before me to allow me to make a robust decision I must conclude that the appeal should fail.
16. In reaching my decision I have had special regard to the preservation of the building in accordance with the LBCA. Although development plan policies do not strictly apply to applications for listed building consent, they are referred to in the submissions. In reaching my decision I have had regard to Policy DM25 of the Mid Devon Local Plan 2013-2033, which sets out the Council's approach to preserving or enhancing its heritage assets.

Other Matters

17. The building is within the Tiverton Conservation Area (TCA). Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I note that the Council does not object based on harm to the TCA. The change from modern single glass to double glazing would be negligible in terms of its broader impact on the TCA, and I am satisfied it would preserve its character and appearance.

Conclusion

18. For the reasons given I conclude that the appeal should be dismissed, and the application for listed building consent should be refused.

A Tucker

INSPECTOR