



Appeal Decision

Site visit made on 15 October 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/P4605/Y/24/3342350

269 Monument Road, Birmingham B16 8XF

- 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 Mrs Kristina Oleneva against the decision of Birmingham City Council.
- The application Ref is 2023/06962/PA.
- The works proposed are 'Installation of replacement of sash windows to front.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Appeal Statement¹ begins by stating that the appeal is against the refusal of planning permission. Moreover, the Heritage Impact Assessment² (HIA) refers to planning permission and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). However, the planning application form is clear that the proposal relates to an application for listed building consent, while the decision notice relates to refusal of listed building consent. I do not have any information before me relating to an application for planning permission, while section 72(1) of the Act involves any buildings or other land in a conservation area. There is nothing before me to confirm that the appeal site is within a conservation area and the Council has confirmed this in their appeal questionnaire.
3. I have, however, had due regard to section 16(2) of the Act. This states that in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). As the proposed changes do not affect the main issue of this appeal, I have not sought the views of the main parties in coming to my decision.

Main Issue

5. The main issue is whether the proposed works would preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses.

¹ HEAL Planning and Developments

² Winterburn Heritage and Planning – March 2024

Reasons

Special Interest and Significance

6. The appeal property is a semi-detached dwelling which, along with the adjoining property, forms the Grade II listed building³ known as '268 and 269, Monument Road B16'. The listed building is formed of a stucco façade divided by large pilasters in the middle of the frontage. Of particular relevance to this appeal is the fenestration of the appeal property, which are single-glazed timber vertical sliding-sash windows.
7. From the evidence before me, and my own observations on the site visit, I consider that the building's special interest and significance is largely derived from its historic and architectural interests. Important contributors in these regards are the building's age and association with the development of the area; surviving historic fabric; its traditional construction and materials; and its pleasing architectural form and design. Moreover, there is group value with the adjacent pairs of semi-detached dwellings to either side which display similar general characteristics and of relevance to this appeal, similar fenestration.

Effects of the Proposal

8. The proposal seeks to replace the existing sash window elements, including the windowpanes with slimline double glazing. These would be fitted into renovated frames and sills while glazing bars would be attached to a single sheet of glazing to replicate the appearance of the existing panes.
9. The appeal submission includes a statement from the applicant, which includes several photographs of the windows from outside and inside the building. These appear to show some outward signs of deterioration, particularly to the timber elements, although there are some indications that the glass is also in need of some restoration. I note the Council's Conservation Officer agreed that the windows as a whole need repair.
10. There are no large-scale drawings of the existing windows before me. As such, I cannot be certain that the proposed units would satisfactorily echo the detailed dimensions, profile and appearance of the existing windows, which are highlighted in the listing description as 'sashes with glazing bars'. Moreover, there is nothing before me to indicate that the windows are beyond repair, despite their current condition.
11. The wholesale replacement of the sashes would lead to the irrevocable loss of historic fabric. This would adversely undermine the building's value as a heritage asset and would not conserve it in a manner appropriate to its significance.
12. Although the proposed sashes may appear ostensibly similar with regards to their profile, position, materials, opening mechanism and colour finish, as double-glazed units they would alter the basic form of the historic single-glazed windows. While similar, they would appear visually different to a single pane of glass in terms of their reflective qualities. These harmful effects of the proposal would be in a highly visible location when viewed from the adjacent public highway. In any event, visual considerations are but one aspect of

³ List Entry Number: 1219585

assessing the impacts of the proposal, as listed buildings are safeguarded for their inherent architectural and historic interest. Given my identification of the windows as a contributor to the special interest of the listed building, the works would adversely undermine the building's value as a heritage asset and would not conserve it in a manner appropriate to its significance.

13. My attention is drawn to guidance from Historic England⁴ which details circumstances in which Insulated Glazing Units (IGU) would be considered acceptable. The appellant advises that in their judgment the windows proposed for replacement retain no significant glass. However, this is contradictory to the applicant's statement in which they advise all windows subject to the works retain at least some original glass. It is unclear why original panes would not be significant.
14. Moreover, the guidance goes on to advise that timber windows that are more than 150 years old will often have been weakened through general wear and tear and distortion from the weight of glazing and any movement of the building. Experience has shown that where slim-profile IGUs are inserted, window sashes often have to be replaced. For this reason, and because of the potential loss of any surviving historic glass, the installation of IGUs in historic windows is likely to seriously harm their significance.
15. I have had regard to the recommendations of the 'Existing Window Condition Statement'⁵ which advises that '*vast modification will need to be made to the sashes and the frames which will be uneconomical.*' However, whether it is economical to repair the sashes is a personal matter and not related to my consideration of impacts upon the listed building, to which I have a statutory duty to preserve its special interest. Heritage assets are an irreplaceable resource and demand financial investment to secure their future conservation. The assessment in the condition statement would indicate that repair is feasible, but expensive. This is not justification for allowing harm in and of itself.
16. I understand that secondary glazing was considered, but that it was not feasible in this instance as it would also necessitate the removal of historically significant shutters in the rooms of the windows. Be that as it may, there is little before me to indicate that other alternative approaches have been considered.
17. My attention is drawn to other works in the adjacent pairs of semi-detached dwellings, including No's 270, 272, 274 and 275 Monument Road. I have been provided with details of some previous listed building consents and planning permission decision notices for these. I observed on the site visit that there are some variations in fenestration across the row of houses. The replacements of windows in those properties, in the view of the appellant, do not reflect the original form of that property's windows. Be that as it may, perceived harm in that regard does not justify allowing further harm in this proposal.
18. Given the harm to the host property and the listed building, it follows that this would erode the significant contribution to the group value of the other listed buildings in this row. I disagree that the buildings are not of consistently high

⁴ Traditional Windows - Their Care, Repair and Upgrading

⁵ William Richards Sash Windows Ltd – 12-9-23

quality or aesthetic merit, but in any event, they are listed buildings with statutory protection which extends past purely aesthetic considerations.

19. Drawing the above together, the proposed works would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. Consequently, the proposal would not sustain or enhance, but rather cause harm to, the special interest of this designated heritage asset.

Public Benefits and Balance

20. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As per the approach in paragraph 208, the proposal would amount to 'less than substantial' harm to the significance of this designated heritage asset. I note the HIA agrees with this level of harm, albeit at the 'lower end'. Regardless, this harm is of considerable importance and weighs heavily against the scheme. This should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
21. The condition statement advises that the 'U value' of the proposed windows would increase the thermal performance by four times over the existing situation. Improving the thermal performance of buildings and thereby reducing energy consumption is a public benefit and in this case is worthy of moderate weight in favour of the works.
22. There would be some limited economic benefit from the renovation of the property to a local installer. However, given the nature and scope of the proposal any benefits in this regard would be very limited.
23. Nonetheless, I am not persuaded that the only way of securing some or all of the identified public benefits would be via the particular works proposed. Moreover, there is no substantive evidence before me which confirms that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeal were to fail and the works, as submitted, were not implemented. Consequently, I am not satisfied that the resultant harm to the significance of the listed building has been clearly and convincingly justified.
24. The occupiers of the property advise that due to the condition of the windows, they are subject to increased levels of noise from road traffic and passers-by, as well as dust and water ingress. However, while the increased thermal performance is evidenced there is nothing before me to indicate that the improvements in these other regards cannot be achieved by less harmful methods of restoration and repair. These would also be of private benefit rather than public. As such, I attribute only limited weight to these matters.
25. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed works is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
26. Accordingly, I find that the proposed works would not preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. As such, it would fail to satisfy the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

27. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan, although relevant provisions can nevertheless be material considerations. Based on my findings, the proposal would conflict with policies PG3 and TP12 of the Birmingham Development Plan. These seek, among other things, to ensure applications for development affecting the significance of a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

Conclusion

28. For the reasons given above, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR