



Appeal Decision

Site visit made on 19 November 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal Ref: APP/W4705/Y/24/3348447

893 Great Horton Road, Bradford, West Yorkshire, BD7 4AQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mohammed Arif, against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 24/00844/LBC, dated 29 February 2024, was refused by notice dated 26 April 2024.
 - The works proposed are described as 'new UPVC windows'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The works have already taken place and are the same as those which were applied for on the submitted plans. I have dealt with the appeal on this basis.
3. Since the works relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the works would preserve a grade II listed building 893 Great Horton Road (Ref: 1133145) and any features of special architectural or historic interest that it possesses.

Reasons

The listed building

5. The appeal property is part of a small ashlar faced villa dating to around 1840-50. The listing description refers to the building's three windows symmetrical to the doorway with cornice on console brackets, and a set-back wing. It sits at the end of a terrace in an elevated position in relation to the main road. Adjoining No 895 is in separate ownership and takes in the central doorway on the front elevation, a ground floor window, and two of the first floor windows. The appeal property includes a ground floor window and a first floor window on the front elevation, and the entirety of the building's set-back wing. It also has a recently permitted rear extension.
 6. The Council indicates that the former windows at the appeal property were distinctive traditional timber sash units with ornate stained and leaded glass
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which matched those at the adjacent dwelling at No 895. I have had regard to the submitted photographs which have been provided. However, I saw at my visit that No 895's windows have now been replaced with what appear to be pale coloured UPVC units in a sash style. These are not considered in the evidence provided by either of the main parties, and I have seen nothing to determine whether they have listed building consent. In any event, the merits of the replacement windows at No 895 are not before me for consideration.

7. The appellant suggests that the appeal building has no historic association to anything remarkable, very little architectural merit and few positive features other than its age. Reference is made to a lack of traditional boundary treatments or gardens. It is further argued that the historic windows that have been removed at the appeal property, were unremarkable in nature and appearance, did not represent a particular craft, era or design and were not a unique demonstration, or an example of 'first seen' element of this nature.
8. Be that as it may, the windows formed part of the historic fabric of the building and were a feature of its distinctive architectural design. Decorative stained glass was used by wealthy individuals in higher status Victorian homes as a form of embellishment and to indicate their grandeur. Whilst the listing description does not mention the stained glass windows, I am mindful that it is created for identification purposes only and is not intended to include all features of interest.
9. Despite its subdivision into two dwellings and the authorised works that have already taken place, I find that the listed building for the most part retains its traditional design which reflects its role as a formerly relatively high status villa residence. Thus it maintains its authenticity and still reads as an attractive surviving residential building indicative of Bradford's important industrial past.
10. From the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its age and historic fabric, as well as from its architectural features, including the pattern and form of its openings and use of traditional materials. It is also drawn from its prominent roadside location and elevated position in the street scene. All these elements are important overall to the special interest of the building in terms of this appeal.
11. The appellant suggests that the listing is out of date and has not been revised. It is argued that in the context of updated policy and heritage guidance the building should not be listed and would only warrant a local listing or non-designated recognition. However, I have seen no evidence to demonstrate that it no longer possesses any special architectural or historic interest. In my view, it is important for the reasons set out above, and continues to be of special interest. As such, there is no justification provided as part of this appeal for it to be de-listed.

The effect of the works

12. The windows are already in place to the front and side elevations of the historic part of the appeal property. These are dark grey UPVC standard profile units set back 110mm from the face of the wall. They match those in the recently constructed rear extension. Those on the side elevations have top openings, as do the ground floor windows on the front elevation. The upper windows on the

front elevation have side openings. A door on the side elevation which forms part of the scheme is also constructed in dark grey UPVC.

13. A Heritage Impact Assessment has been provided to which I have had regard. The appellant considers the quality of the materials and tradesmanship used in the new windows to be high. The siting, arrangement, pattern and size of the openings themselves have not been altered and no additional openings have been inserted. The windows subject of this appeal match the windows in the permitted rear extension. They cause no harm to the living conditions of nearby occupiers, and no consultations responses or objections from nearby residents have been received.
14. Nevertheless, the building's historic windows were constructed of traditional materials commensurate with the historic character of the villa. As a result of their timber construction, they were relatively slim in width and profile with some refinement to their appearance. The fine detailing of the distinctive stained glass was highly characterful and an important remaining vestige of the villa's previously high status as a dwelling.
15. In contrast, the new windows are made of UPVC which by its nature is a modern rather than a traditional material. The frames and glazing bars are heavier in width and profile than the timber units would have been. As such they appear much bulkier and more substantial and do not match the sections or the proportions of the traditional joinery of the previous windows. The bulky square frames have also been used in the characterful round headed first floor windows to the front elevation where they appear as crude and badly fitted additions.
16. Furthermore, the layout and arrangements of the components of the new windows and the way that they open are inherently modern. Their contemporary design appears directly at odds with balanced proportions of traditional sash windows (whereby the upper and lower parts of the windows are generally equally sized).
17. Notwithstanding that the windows at adjoining No 895 have been recently replaced, the windows at the appeal property have also upset the symmetry between the appeal property and No 895. This mismatched and unbalanced appearance has reduced the charm of the historic building which occupies a prominent raised position on Great Horton Road and is highly visible in the wider street scene.
18. The appellant states that the previous windows were rotten and in a poor condition in some instances broken and unopenable. They allowed cold air and water penetration that was causing damage to the fabric of the listed building and resulting in mould and mildew and poor living conditions affecting the family's health issues. I understand that the windows were altered out of necessity rather than for aesthetic reasons and that it was not an easy decision to make.
19. I am also aware that issues with the previous windows had been ongoing for a number of years and have been a cause of considerable stress to the appellant. The submitted 2014 mortgage valuation identifies evidence of dampness to ground floor walls and timbers as affecting the value of the house. It also refers to a lack of toughened glass as a potential safety hazard.

20. Amendments to the windows were refused in 2018 after which the appellant was in correspondence with the Council to find a solution. I appreciate that the appellant has had problems with various window companies when attempting to replace the windows previously and has lost money as a result. I also note that alternative solutions (such as wooden sash windows or like for like replacements) were not considered to be financially viable. Furthermore, I accept that the UPVC units would require less maintenance and repair and lead to increased energy efficiency along with other benefits which are considered below.
21. By their nature it is normal to expect timber windows to deteriorate over time and that some elements of maintenance will be necessary. Properly carried out repairs can extend the life of timber windows and doors. Although the appellant indicates that a number of carpenters had considered the windows unrepairable, no condition report has been provided as part of this appeal. As such there is no compelling evidence to demonstrate that the window units at the appeal property were necessarily beyond repair when they were removed. Furthermore, in the event that repairs were not possible, notwithstanding matters of cost, I also consider it likely that replacement timber units would better match the style, form, finish and detailing of the historic windows than those that have been provided.
22. The appellant argues that the windows are designed to be in keeping with the street scene, using materials common to the houses in the area and refers to examples of other UPVC windows nearby. However, I am not aware of the full circumstances that led to those works and so cannot be sure that they are the same as in the case before me. Nor am I aware whether those examples concern listed buildings. As such, they do not add any weight in favour of the appeal scheme which I have considered on its own merits.
23. Bringing matters together, and taking all these factors into account, for the reasons given, I find that the replacement windows and door appear as clumsy and unsympathetic additions at odds with the host building. Their insertion has also resulted in the complete loss of a number of distinctive traditional stained glass timber sash windows. In detracting from its traditional features and materials, and removing important historic fabric, the works have reduced and undermined the listed building's integrity and authenticity, and so fail to preserve its special interest. That the appeal property is not within a conservation area, part of an identified urban view, and has no connection to the Saltaire World Heritage Site, does not alter my findings.

Heritage balance

24. I therefore conclude on the main issue that the works fail to preserve the special interest of the listed building. The Council finds the works have caused substantial harm. Having regard to the advice in the Framework and the Planning Practice Guidance, and bearing in mind that this is a high test that may not arise in many cases, I am not persuaded that substantial harm has arisen. Accordingly, I find that the harm to the heritage asset is less than substantial in this instance, but nevertheless of considerable importance and weight.
25. The Framework states at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 207 of the Framework requires

- that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
26. The problems associated with the previous windows led to high energy costs and negative health impacts for the occupiers which it is suggested the new windows have addressed. They have also reduced the property's vulnerability to crime, making it safer and more secure.
27. The new windows have protected the listed building from water damage and in doing so have helped to preserve its historic fabric, secure its protection and ensure its future maintenance and upkeep in order to provide longevity to the heritage asset and use as a residential dwelling. I am mindful that improvements to the heritage asset itself are public benefits of the scheme.
28. I accept that a number of private benefits have arisen to the appellant and his family as a result of the new windows. That said, although it is stated that the new windows are thermally efficient and more environmentally friendly, given the limited scale of the works (which relate to a single residential unit only), in my view their contribution to supporting the transition to a low carbon future and mitigating and adapting to climate change would not be great. Moreover, looking at the whole-life environmental costs, I am conscious that it may take some time before any energy and maintenance savings would offset the amount of energy used to make the UPVC units in the first place.
29. Additionally, notwithstanding issues of maintenance and affordability, I consider that a good deal of the benefits associated with the new UPVC windows (including to living conditions, safety and security, and the longevity of the heritage asset) could have been achieved via the replacement of the units in timber (with new glazing) or alternative approaches (such as secondary glazing) to make the windows water tight and thermally efficient. As such, these alternatives cannot be ruled out. All these factors temper any public benefits which would arise in these regards.
30. Considering all these factors, I therefore find that, even taken together the public benefits of the works do not outweigh the harm to the significance of the designated heritage asset I have identified. For these reasons the works fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
31. The decision notice refers to Policy EN3 of the Bradford Core Strategy Development Plan Document which requires that proposals do not have adverse effect on the special architectural or historic interest of listed buildings. However, I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan. Even so, I have had regard to these matters as a material consideration.
32. The appellant refers to the presumption in favour of sustainable development, but with footnote 7 to paragraph 11 of the Framework in mind, I am not persuaded that the presumption in favour of sustainable development applies in this case.

Other Matters

33. The appellant refers to two of his children and their health conditions. This being so I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am

aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the appellants' individual rights for respect for private and family life (along with the best interests of the children) must be weighed against other factors including the wider public interest and legitimate interests of other individuals.

34. I have found that the works have caused harm to the significance of the listed building, and am satisfied that the legitimate aim of preserving heritage assets, can only be adequately safeguarded by the refusal of consent. I consider that the dismissal of the appeal would not have a disproportionate effect on the appellant's children.
35. I have also considered the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act set out the relevant protected characteristics which include age and disability. Since there is the potential for my decision to affect persons with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Act.
36. The negative impacts of dismissing the appeal on the appellant's children arise since the windows would not be approved as sought. However, these impacts are mitigated by the possibility of an alternative scheme to meet the stated needs of the children. As such, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect heritage assets. Even when taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified in this case.

Conclusion

37. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR