



Appeal Decision

Site visit made on 25 November 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/Z1510/D/24/3350160

The Privets, 33 Francis Way, Silver End, Essex, CM8 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jordan Billinton against the decision of Braintree District Council.
 - The application Ref is 24/01342/HH.
 - The development proposed is described as the 'replacement of 2 no. of [sic] left side elevation windows of single dwellinghouse'.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal site lies within the Silver End Conservation Area (CA) and the main issue in this case is whether the proposal would preserve or enhance the character and appearance of the CA. Paragraph 199 of the National Planning Policy Framework (2023) (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. I have also had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as amended.
3. The historic and architectural significance of the CA derives from its connection with the pioneering Crittall steel windows factory in the village and its development in the 1920's as a garden village for the factory workers. Buildings were designed in clusters of either a modernist or traditional/neo-Georgian style. Each style has its own designs and characteristics and consequently each cluster has a strong group value illustrating the development of the village and its contribution to the history of architecture and design. An Article 4 Direction restricts the replacement of windows on front and side elevations without planning permission.
4. The appeal site has a lengthy planning history but I have referred to only the most relevant of those applications in this decision. The dwelling is one of three in this part of Francis Way, built to a traditional design with a hipped roof and brick finish. The current proposal is for the replacement of the two side elevation windows with double glazed casement windows in black finished aluminium in a modernist style with horizontal glazing bars. The appellant says that they are a replica of a Crittall product and would bring some balance to that elevation. The same style of window has been used in the rear and right

hand side elevations and for two windows set to the rear of the same left hand side elevation. Those windows were approved by the Council under refs 22/01470/DAC, 21/03557/HH and 21/02633/NMA.

5. Essex County Council's Historic Buildings Consultant (HBC) says that the first modernist houses featured windows with only horizontal glazing bars whilst the later examples of those and the traditionally-styled houses, including the appeal dwelling, featured windows with both horizontal and vertical bars. Although the Council has said that The Silver End Conservation Guide (1999) supplementary planning guidance (SPG) is now out of date and needs revision, it has also said that it does reference the relevant door and window styles. On page 10 it illustrates the two different types of window. I have no evidence before me that would indicate that the guidance is not a reliable source of information in that respect even though it does not attribute each type to a particular house type.
6. The dwelling has what appear to be double glazed upvc windows in white with a 'cottage' style appearance of small panes with both vertical and horizontal glazing bars on its front elevation and in two of its side elevation windows. Whilst the upvc materials, top opening lights and the number of panes and their proportions differ from the originals shown in the lower two rows of illustrations on page 10 of the SPG, the style is similar to those.
7. The windows on the front elevation and side elevations of the other two dwellings in the group have mainly asymmetric windows with top opening lights. It is unclear to me if those are the original windows although that seems unlikely on the basis of the information in the SPG which advises that asymmetrical windows are not acceptable in the CA.
8. At my visit I noted that there are dwellings of a very similar design on Boars Tye Road that also have cottage style windows, some of which, such as at no 18, have been replicated very successfully. The appellant has not provided any compelling evidence that the modernist style windows proposed replicate the original windows and from what I have seen in the locality, I would agree with the HBC's view that the windows should feature both horizontal and vertical glazing bars.
9. It is unclear to me why the existing modernist style windows in the rear and side elevations were approved by the Council given its stance on this proposal although those are less clearly seen from the street. Whilst I agree with the appellant that the proposal would bring some balance to the left side elevation of the dwelling, the windows would be clearly seen from the street and would not be compatible in terms of their design and colour with the original, traditional character of the dwelling and with this group of dwellings. Furthermore, if this appeal were allowed, it would also set an undesirable precedent for further similar windows on the front elevation of this dwelling and those of the other traditionally designed dwellings in this group and elsewhere in the CA.
10. The proposed windows are clearly inappropriate for this traditional style of house which is very different from the modernist style houses seen for example on Silver Street. It is clear that a 'cottage' style of window with horizontal and vertical glazing bars would be historically accurate. Although the dwelling is not listed and there are many other dwellings in the CA with inappropriate window replacements, the significance of this CA and its importance in the

history of architecture and design, particularly in regard to window design, justifies the strong stance now being taken by the Council.

11. The appellant has pointed to other examples in the area where window frames were of a dark colour. The dwellings at Silver Street, Wolverton and Broadway are of a modernist design. The Silver End Hotel and the Silver End Tearoom, although of a traditional design, were designed as commercial buildings rather than as dwellings but in any case have traditional rather than modernist windows. All differ significantly from this traditionally designed house and I am not persuaded that they provide sufficient justification for the windows proposed in this case.
12. I find then that the proposed windows, by reason of their design and colour, would fail to preserve or enhance the character and appearance of the CA. Whilst the harm in this case would be less than substantial, it carries considerable weight and the Framework requires that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Where the harm is less than substantial, it should be weighed against the public benefits of the proposal. However, in this case, I have not been told of any benefits that are sufficient to outweigh that harm.
13. The proposal would be contrary to development plan policies LPP36, LPP52 and LPP53 of the Braintree District Local Plan 2013-2033 (2021) which together seek to ensure that alterations are of a high standard of design that is compatible with the original character of the dwelling and preserve or enhance the character of Conservation Areas. It would also conflict with the National Planning Policy Framework which has similar objectives.

Conclusion

14. For the reasons given above, I conclude that the proposal would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector