



Appeal Decision

Site visit made on 17 December 2024

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/Z1510/W/24/3347805

165 & 167 High Street, Kelvedon, Essex CO5 9JA

- 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 David Rawlinson & Mr Benjamin Graves against the decision of Braintree District Council.
 - The application Ref is 24/00919/FUL.
 - The development proposed is to replace 12No. windows and 1No. door.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effects on the character or appearance of the Kelvedon Conservation Area (CA) and on the setting of the Grade II listed building at 163 High Street.

Reasons

3. The residential apartments at Nos.165 and 167 occupy a quite recent addition to the adjacent 18th century listed building at No.163. Combined, these had previously accommodated a school. The additions had been designed to a subservient scale, and in a manner acknowledging the architecture and materials at No.163. This proposal relates to the replacement with uPVC versions of 12 timber-framed windows and a door.
4. I have statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Respectively, these are to have special regard to the desirability of preserving the setting of the adjacent Grade II listed No.163 and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Paragraph 202 of the National Planning Policy Framework (the Framework) requires that, as heritage assets, the CA and this listed building should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
6. The CA is significant for its concentration of historic buildings, many situated along the High Street and fronting prominently onto the road, displaying the typical architecture of these earlier periods and retaining traditional features, such as timber sash windows. Some of these adjacent buildings form the setting for No.163. This is historically and architecturally significant as a grand townhouse

dating from the seventeenth century and displaying features such as its Flemish bond red brickwork, the plaster moulded cornice with bracketed corbels and the classically proportioned openings, with gauged brick arches and timber sash windows.

7. The more recently built appeal addresses display less fine detailing than the much older building at No.163. However, the design, proportions and features of the addition, including the red brick work and timber joinery, go some way to reflect the character and appearance of this part of the CA and the setting of No.163. The proposed uPVC replacements are designed to replicate the appearance of traditional windows. However, such plastic replacements would look and feel different to timber and, as such, be harmfully out of place in their historic and architectural context. Although set back from the road, with intervening trees, the windows on the front elevation are visible from the historic High Street, including in juxtaposition with the attached listed building. There are also clear views of the windows to the side and rear, from Trews Gardens.
8. The replacement windows would detract from both the historic character and architectural appearance of the CA, harming its identified significance as a designated heritage asset. For the same reasons, the proposal would detract from the historic setting of No.163, within which its own traditional character and architectural appearance are currently appreciated. The presence of other uPVC windows in the area provides no reasonable mitigation over the harms found from this proposal. The harms, to the CA and the setting of the listed building, would in each instance be less than substantial. In such a case, Framework paragraph 215 requires these harms be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
9. The public benefits would, to my mind, be negligible, with the advantages of energy efficiency and easier maintenance being in the main enjoyed privately. Notwithstanding these two harms being less than substantial, I give both considerable importance and weight, which would be sufficient to out-balance any degree of public benefit.

Conclusion

10. The proposal would have unacceptably adverse effects on the character and appearance of the CA and fail to preserve the setting of the Grade II listed building at No.163. Therefore, the proposal would conflict with the Framework and policies S7, LPP 47, LPP 52, LPP 53 and LPP 57 of the Braintree District Local Plan 2013-2033. Consequently, I conclude that the appeal does not succeed.

Jonathan Price

INSPECTOR