



Appeal Decision

Site visit made on 4 February 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/W2845/Y/24/3353176

29 Hogg End, Chipping Warden, West Northamptonshire OX17 1LY

- 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 James McGregor against West Northamptonshire Council.
 - The application Ref is 2024/2427/LBC.
 - The works proposed are described as “replace 12 windows in existing openings and to convert 1 window back into an external door. The 12 window openings will not be modified and the 1 door opening will only be modified to lower the sill back to its position at the time of the building’s listing. Further, it seeks to satisfy the conditions of previous approval WNS/2022/2265/LBC.”
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Decision

1. The appeal is dismissed and listed building consent is refused.

Preliminary Matters

2. As the proposal relates to a listed building located in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
3. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.
4. The appeal follows the Council’s failure to determine the application Ref 2024/2427/LBC within the prescribed period. However, the Council has indicated in its statement, that had it been in a position to determine the application, it would have refused listed building consent. The substance of the Council’s statement and the statutory duties referenced above have informed the main issues of the appeal.
5. The appellant also seeks to satisfy the conditions of a previous approval (ref WNS/2022/2265/LBC). However, application ref 2024/2427/LBC is for listed building consent and not to discharge conditions. Therefore, it is not within the scope of this appeal to consider the discharge of conditions on a previous approval. Furthermore, I have not been presented with the full details of the previous approval, such as the Decision Notice and the Officers Report. Consequently, insufficient information is before me.
6. The proposal would change an existing opening on the rear elevation of the listed building from a window into an external door. The Council found this aspect of the proposed works to be acceptable, as the evidence indicates that the opening was at one time wider to form a doorway. The proposed door in this location would

therefore constitute the reinstatement of a historical feature. From the submitted evidence and my observations on site, I find no reason to disagree and conclude that this element of the proposal would preserve the listed building, and any features of special architectural or historic interest which it possesses and would not harm its significance. Therefore, the focus of this appeal is on the proposed replacement windows.

Main Issue

7. The main issue is whether the proposal would i) preserve a Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Chipping Warden Conservation Area.

Reasons

Special interest and significance

8. The appeal property, 29 Hogg End, is a Grade II listed¹ building dating to the 17th Century, with alterations in the 18th Century. It is a two-storey dwelling with 2 bays, constructed from coursed squared ironstone set under a steeply pitched artificial stone slate roof with flanking brick stacks. The rear of the building has a one-and-a-half storey extension.
9. The front elevation has an off-centre entrance with a gabled stone porch and a 2-panelled door. The windows on the front elevation are single-glazed metal framed windows on the ground floor and single-glazed metal casement windows on the first floor. The rear elevation windows are mainly single-glazed units, predominantly metal framed, with some timber units. There are three stone mullioned windows to the side elevation facing the road.
10. Pertinent to the appeal, the building comprises replacement windows of varying ages. However, although the windows on the property have changed over time, it was evident that their form and some styling features had been influenced by the historic pattern of those they replaced. They are mainly single glazed, constructed from traditional materials such as metal and wood with slender profiles and structural glazing bars. As such, they are important features of the building which positively contribute to its character, appearance and thus its heritage merit.
11. Given the above, I find the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a 17th Century rural dwelling occupying a prominent position on Hogg End road. Its age, historic fabric and architectural form and design, including its fenestration, all make important contributions to its special interest and significance.
12. The listed building is located within the Chipping Warden Conservation Area (CA). The CA encompasses the buildings and spaces fronting Hogg End road. The special interest and significance of the CA mainly stems from the variety and architectural richness of its historic buildings that denote its evolution. By virtue of its historic and architectural integrity, the appeal building adds considerably to the settlement's historic and aesthetic charm. In doing so, it positively contributes to

¹ List Entry Number: 1041204 – 29 Hogg End, Grade II listed

the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

13. The proposal seeks to replace 12 existing windows on the front, rear and north-west side elevation of the listed building. The evidence indicates that the windows to be replaced are not the building's original windows. However, they are single-glazed and of a suitable material, design and construction technique which sustains the character of the listed building.
14. The proposal's use of slimline double-glazing units would produce a very flat and highly reflective finish that would look artificial on the listed building. Furthermore, due to the chunky timber frames, the proposed replacement windows would look heavy and clumsy compared to the slender profiles of the existing frames, which include thin metal framed windows. Therefore, the replacements would appear bulkier, reducing the sense of delicacy and elegance in the listed building's fenestration.
15. The submitted drawings show that the proposal would have thick stuck on glazing bars, which would not replicate the finesse of historic joinery, making them stand out as poor imitations. They would be unlike the finer glazing bars found on traditional windows and would appear different to the profiles and dimensions of the building's existing structural glazing bars. Thus, the proposal would alter the building's character and reduce its historical merit.
16. The submitted drawings show that the windows would have trickle vents and a protruding head drip feature. Such features are likely to have a conspicuously modern and ungainly appearance, which would fail to reflect the simple wooden frames of traditional windows. Indeed, the Council's Chipping Warden Conservation Area Appraisal and Management Plan (adopted 2013) at section 5.4 refers to some inappropriate window replacements including "trickle vents which are not traditional features within casement windows."
17. The appellant suggests that the trickle vents would be hidden from view and their design would be indistinguishable from the solid wooden frames. However, it is likely that they would add to the thickness of the frame. I also find that the submitted drawings are basic and limited in detail. They do not clearly indicate what materials these features would be constructed from nor exactly how they would be hidden. Moreover, the horizontal and vertical section drawings are not provided at an appropriate scale. It is also not clear from the drawings how the proposed windows will be set within the window reveals of the building.
18. The appellant claims that the trickle vents are necessary to provide valuable ventilation which would protect the building from the effects of moisture build up. Nevertheless, I have not been presented with substantial evidence to suggest that the proposal would perform significantly better than the existing single glazed windows with regard to ventilation. I am also mindful that there may be other alternative options for sympathetic window replacements without trickle vents.
19. Therefore, this degree of ambiguity and lack of detail does not allow for a valid and meaningful assessment of the form and appearance of the proposed windows. As such, I cannot be certain whether they would preserve the listed building's special interest and significance.

20. From the information before me and my observations on site, it is evident that some of the existing windows are deteriorating. Nevertheless, no detailed condition survey of the existing windows has been undertaken by a suitably qualified person. Therefore, I cannot be certain that the existing windows could not be repaired and refurbished by an experienced tradesperson, which may address some of the issues raised by the appellant.
21. In the absence of substantive evidence, I find that this proposal would erode the special interest of the listed building and have a harmful effect on its understanding and appreciation. The harmful effects would not be mitigated by conditions.
22. Taking into account the building's prominence on Hogg End road, it follows that the identified negative effects to the listed building would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.
23. Drawing the above together, I find that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. In doing so, it would harm the significance of these designated heritage assets.

Public Benefits and Balance

24. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
25. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposed windows along with the general investment into the property. Additionally, social, environmental and heritage benefits would be generated through improvements to the local housing stock, which would be through the avoidance of condensation and drafts. There would also be enhanced thermal efficiency of the building. These would represent benefits to the public at large that carry weight in favour of the appeal.
26. Although there is government aspiration for homes to reach EPC C rating by 2035, and Paragraph 167 of the Framework affords significant weight to energy efficiency, the Framework is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, which I have found the proposal would not do.
27. I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the works as proposed were not implemented. In these respects, the identified harm to the significance of the listed

building and the CA has not been clearly and convincingly justified as required by paragraph 213 of the Framework.

28. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this would not be outweighed by the minor public benefits arising from the proposal.
29. I conclude that the proposal would not i) preserve the listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies BN5 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (adopted 2014), and Policies SS2 and HE5 of the South Northamptonshire Part 2 Local Plan 2011-2029. Collectively, these policies amongst other things, seek to ensure developments conserve and enhance heritage assets, including their settings, and do not adversely affect built heritage.

Other Matters

30. My attention has been drawn to a previous permission (ref S/2015/2139/LBC for double glazing units. Nevertheless, the specific details and circumstances which led to these works being approved are not before me. On this basis, I am unable to draw any meaningful comparisons with the appeal proposal. I have determined this appeal on its own individual merit based on the evidence before me and my observations on site.
31. There were no objections to the proposal from neighbouring occupiers. However, this would be a neutral consideration and does not weigh in favour of the proposal.
32. I note the appellant was disappointed that the application (Ref 2024/2427/LBC) was not determined by the Council within the prescribed period. Nonetheless, that is not a matter for my consideration.

Conclusion

33. For the reasons given above, and considering all other matters raised, the appeal is dismissed and listed building consent is refused.

H Smith

INSPECTOR