



Appeal Decision

Site visit made on 25 February 2025

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/Q9495/Y/24/3349994

Shelley Cottage, Chestnut Hill, Keswick, Cumbria CA12 4LS

- 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 Mr Steven Jackson against the decision of the Lake District National Park Authority.
- The application Ref is 7/2024/2002.
- The works are described as 'replace 1 window on lower hallway.1 sash. 960mm x 1150mm. Replica of original in all ways other than bottom glass pane can be removed in emergency as fire exit. Plus double glazed. Needed to fit urgently due to health and safety concerns of renting guests - so did so without realising it needed permissions.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the works were started and completed in May 2023. I have determined the appeal on this basis, having regard to the submitted photos of the window as installed and my observations on site.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 after the National Park Authority (the NPA) issued its decision. I have had regard to the revised Framework in my determination of the appeal.
4. As part of the appeal, the appellant states that they can remove the trickle vent 'if required'. Having regard to guidance¹ and caselaw² concerning amendments in the appeal process, I have determined the appeal on the basis of the 'works' considered and consulted upon by the NPA, which includes the trickle vent.

Main Issue

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

Reasons

Special interest and significance

6. Shelley Cottage forms part of the Grade II listed building, 'Chestnut Hill House Shelley Cottage with Adjoining Stables and Coach House to North'³. It dates from

¹ Procedural Guide: Planning Appeals – England. Dated September 2024. Section 16, Paragraph 16.1.

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982).

³ National Heritage List Entry Number: 1144692.

the 18th century and is constructed of roughcast render over stone with a slate roof in a long irregular plan.

7. From the evidence before me, the special interest and significance of the listed building are mainly derived from its architectural and historic interests in illustrating a group of modest vernacular structures with literary connections. Important contributors in these respects, are its use of traditional methods of construction and materials; surviving historic fabric; modest but pleasing vernacular form and style, including key features and detailing; and association with the poet Shelley⁴.
8. Pertinent to the appeal, fenestration is a key feature of the building, with its '12-paned sash windows' cited in the listed building description. From what I was able to see on my site visit, the majority of the windows within the listed building are of some age, and comprise single-glazed, multi-paned (mainly six over six with horns), painted timber, vertical sliding sash units. The windows' traditional form, materials and appearance contribute to the building's heritage merit in a positive and meaningful way.
9. No drawings and/or images of the previous window have been submitted by either party. That said, the appellant has not advanced that the previous window was modern, and the submitted evidence refers to it being a single-glazed, multi-paned (eight over eight), wooden, white, sash unit. On this basis, and with no evidence to the contrary, it is reasonable to conclude that it was a historic window, by virtue of which also contributed to the building's special interest and significance.

Works and effects

10. Paragraph 212 of the Framework sets out, 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. Paragraph 213 goes on to state that, significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
11. The works comprised the removal of the previous window and its replacement with a double-glazed, multi-paned (eight over eight with trickle vent), white composite wood grain, sash unit, which includes a mechanism that allows the bottom window pane to be removed to permit egress in the event of an emergency.
12. On the basis of the information before me, it is highly likely that the works have resulted in the harmful loss of historic fabric. Whilst the appellant highlights that the previous window would not stay open and that it was too small to allow occupants to escape, no substantive evidence has been provided in these regards to justify its loss.
13. I have no reason to doubt the appellant's comments that the dimensions of the opening, the glazing pattern and the sash form of the replacement unit are the same as the previous window. Moreover, the lack of detail before me regarding the previous and existing unit, means I am unable to consider the differences, if any, in the dimensions and profiles of the box frame, sashes and glazing bars.
14. Nonetheless, it remains that there are aspects of the replacement unit which result in it appearing discordant and out of keeping with the traditional form and materials

⁴ Said to be where he spent his honeymoon.

of the building's historic fenestration. These include the smooth, shiny, appearance of the mainly synthetic composite timber, which does not satisfactorily capture the character of painted natural wood; the conspicuous wide white spacer strip between the two panes of glass; and the overtly modern trickle vent. In these respects the window as installed weakens the authenticity and integrity of the listed building.

15. I am aware that the window is 'subterranean' and cannot be readily seen from the adjacent public highway. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interests irrespective of whether or not close public views of the building can be gained.
16. Consequently, I find that the works fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses, and harm the significance of this designated heritage asset.

Public benefits and heritage balance

17. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the works, I find the harm to the significance of the listed building is 'less than substantial' and at the lower end of that scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
18. It is reasonable to conclude that the installation of the window generated modest economic benefits in its manufacture and installation, and delivers minor environmental benefits in an improvement in the property's energy efficiency. Additionally, as highlighted by the appellant, the window generates social benefits in providing an emergency escape route from this floor by occupants renting the property as a holiday let. These outcomes are of a nature to be of benefit to the public at large and weigh in favour of the appeal.
19. However, from the limited information before me, I am not persuaded that the only way of securing such public benefits, particularly those relating to health and safety, is by means of the specific window as installed. Moreover, whilst I acknowledge the need for a safe exit route in the event of an emergency, there is no substantive evidence before me which demonstrates that the particular window as installed is necessary to secure the ongoing holiday-let use of this part of the listed building. In these respects, clear and convincing justification for the harm to the listed building's significance arising from the window as installed has not been provided.
20. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage asset, I find that this is not outweighed by the public benefits generated by the works.
21. Accordingly, I conclude that the works do not preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. As such, they conflict with the statutory presumption set out in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act); and the provisions within the Framework which seek to conserve and enhance the historic environment.

22. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Additionally, section 16(2) of the Act does not require the decision maker to have regard to the development plan when determining applications and appeals for listed building consent. Nonetheless, I note that the works also do not accord with Policy 07 of the Lake District National Park Local Plan 2020-2035 (adopted May 2021) which seeks to conserve and enhance the significance of heritage assets.

Other Matters

23. The replacement window is largely comparable in form and appearance to adjacent windows in an adjoining property, which also forms part of the listed building. However, no evidence has been submitted which confirms that the adjacent windows benefit from listed building consent. Even if this is the case, the details and circumstances of any consent are not before me, and I cannot be certain that they are directly comparable to this appeal.
24. No evidence has been provided which demonstrates that the type of emergency escape window as installed is only available in composite/ wood effect material; or that composite/ wood effect windows have been accepted and installed in other listed buildings in Keswick.
25. Keswick Town Council agreed its 'support' to the works. However, this is a neutral consideration and weighs neither for nor against the appeal.
26. None of the other matters raised alter my conclusion on the main issue.

Conclusion

27. For the reasons given above, the appeal should be dismissed.

F Cullen

INSPECTOR