



Appeal Decision

Site visit made on 24 February 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/P2935/Y/24/3347658

Garden House Cottage, B6320 Chollerton to Wark, Chollerford, Northumberland, NE48 3AF

- 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 Mrs Jane Lamb against the decision of Northumberland County Council.
 - The application Ref is 23/03597/LBC.
 - The works are described as 'Retrospective Listed Building Consent application for replacement windows.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.

Background and Main Issue

3. I understand that the windows currently installed at the appeal property were done so without the required listed building consent. A retrospective application for listed building consent¹ was subsequently refused by the Council. The 'existing' drawing² submitted with the evidently appeal shows the windows as they were prior to their unauthorised removal, and the drawing explains that this was made from satellite imagery from September 2011.
4. The main issue is therefore whether the proposed works would preserve the Grade II listed building or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

5. The host building is Grade II listed and the listing description³ gives its official name as 'Garden House'. It evidently dates from the 18th century and is of traditional two-storey, three-bay dimensions. It is formed of an ashlar stone

¹ Listed Building Consent ref: 22/03065/LBC

² Drawing No. S3 Rev A

³ List Entry Number: 1150794

frontage with coursed rubble returns. Although they have since been replaced, the listing description highlights the presence at that time of 16-pane sash windows.

6. I have had due regard to the statutory duty set out in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. Having regard to the above, I find that the special interest and significance of the listed building to be mainly derived from its architectural and historic interests. Important contributors in these respects include the building's age and historic association with the Nunwick Estate; its use of traditional methods of construction and materials; surviving historic fabric and floor plan; and its polite architectural form and design, including key features and detailing.
8. Of particular relevance to the appeal is the contribution of fenestration to the special interest of the building. Evidently, the original windows were 16-pane timber framed sashes, although the listing description advises that the first-floor windows had been renewed by the time the description was written. The 'existing' drawing shows that the windows to the front elevation had retained their 16-pane composition despite the first-floor renewals, with the ground floor windows likely original. Meanwhile, the number of panels seemingly varied on both side elevations at that time. Evidently, there was no information available regarding the window to the rear.
9. Although there is a lack of information on the former windows prior to their removal, they were evidently of classic multi-pane, vertical sliding-sash form and proportions and were constructed of traditional materials, all of which are compatible with the age and style of the building. In these respects, they were important components of the property which contributed in a significantly positive way to the listed building's architectural merit.

Proposed Works and Effects

10. The proposal entails the removal of the unauthorised windows and replacement with ostensibly similar models to the removed fenestration. I note the main difference would be the inclusion of slimline double glazing and replica glazing bars.
11. However, it is imperative that proposals are accompanied by drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over what is proposed, and to allow a robust assessment of any consequent effects. In assessing whether the proposed units would be appropriate replacements, the drawings submitted with the application, upon which the appeal is determined, and which would form part of any formal decision were I minded to allow, are lacking in these respects.
12. It may have been difficult to provide detailed drawings in elevation and scale of the windows which were removed without authorisation due to those circumstances. However, this places even more of an emphasis on providing suitable details for the proposed. The submission of 'typical' drawings and details on the proposed plan, including a 'typical horizontal section detail to new box' and 'typical glazing

bar detail to sliding sash frame windows' along with an extract of the manufacturer's details with no full elevation drawings or full section drawings for each window, gives rise to ambiguity and doubt regarding their individual dimensions, glazing pattern and overall appearance. This is highly undesirable in general terms, but especially given that the property is a Grade II listed building of national importance. Consequently, I cannot be certain that they would preserve the listed building's special interest and not harm its significance.

13. From the limited information provided and noting the drawings that were submitted, I share the concerns of the Council that the glazing bars with less elegant profiles and use of slimline double-glazing would alter the basic form of the historic single-glazed windows. These would appear visually different to a single pane of glass in terms of their reflective qualities and result in a noticeably different appearance to that of the original windows.
14. As a result, the replacement units as proposed would have the potential to adversely alter a key feature of the building and diminish the positive contribution that fenestration made to the special interest and significance of this designated heritage asset.
15. I have had due regard to guidance⁴ produced by Historic England (HE) which advises on scenarios whereby the significance of a building has been harmed by the installation of replacement windows of non-historic design. This can include where the new windows are of a more sympathetic design and the net impact on significance will be neutral or positive. While the proposed windows may be an improvement over the existing, unauthorised windows, there is insufficient information before me to ascertain that they would have a neutral or positive effect on the special interest and significance of the building set against those which were previously removed. I therefore disagree that this would justify potential harm in this case.
16. My attention is drawn to previous decisions made by this and another local authority for ostensibly similar proposals relating to replacement windows. I have some information on these alongside photographs, but few substantive details. Regardless, each proposal is assessed on its own merits and the existence of other decisions is not determinative in and of itself. Similarly, the appeal decisions cited give some extracts but without substantive information I cannot be certain that they are directly comparable to the works before me. As such, they have not been determinative.
17. As such, I cannot be certain that the proposal would meet the requirements set out in section 16(2) of the Act. Nor can I be sure that it would not harm the significance of this designated heritage asset and thus comply with the provisions within the Framework which seek to conserve and enhance the historic environment.
18. Listed building consent 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. Nevertheless, I note that the Council cite conflict with Policy ENV7 of the Northumberland Local Plan 2016 – 2036 (adopted March 2022). However, this policy concerns designated heritage assets where harm to their significance is found which, for the

⁴ Traditional Windows - Their Care, Repair and Upgrading (February 2017)

reasons set out above, I have been unable to reach a firm conclusion on in this case. As such, it is not directly relevant.

Other Matters

19. The appellant cites benefits of the proposal, including increased thermal value and acoustic protection from the adjacent road. There is nothing before me to indicate that the proposed windows would do this in any event. However, the HE guidance advises that this can be achieved in a more cost-effective manner with approaches such as draught-proofing or secondary glazing. The guidance also advises that secondary glazing can improve acoustic protection. While these are cited as public benefits, they would appear to be inherently private in nature.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR