



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: 7 April 2025

Appeal Ref: APP/X1355/Y/24/3347941

3 Boldron Lane, Startforth, Durham DL12 9AR

- 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 and Mrs Dieteren against the decision of Durham County Council.
 - The application Ref is DM/23/00144/LB.
 - The works proposed are replacement of six windows to south elevation.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs Dieteren against Durham County Council. This application has been referred to the Costs and Decisions Team within the Planning Inspectorate for a decision on admissibility. If found admissible, it will be the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 after the Council issued its decision. I have had regard to the revised Framework in my determination of the appeal.
4. The appeal property forms part of a listed building. As required by section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act); in determining the appeal I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

5. The main issue is 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

6. The appeal property forms part of a Grade II listed building known as Low Startforth Hall Low Startforth Hall East¹. This large designated heritage asset has a phased

¹ National Heritage List for England, List Entry Number: 1322756.

evolution and is now subdivided into ‘three very substantial dwellings’². The list entry states that the building is dated 1633, probably incorporating earlier fabric, with alterations/extensions in the mid-18th and mid-19th centuries. It is constructed of stone with a stone slate roof. The appeal property as part of the listed building includes the main core of the earlier Jacobean house and a section of an adjoining later extension.

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, in exemplifying an imposing 17th century hall which has evolved over time. Important contributors in these respects, which allude to the building’s phased development, are its use of traditional methods of construction and materials; surviving historic fabric; and robust but pleasing architectural form and design, including key features and detailing.
8. Pertinent to the appeal, fenestration is an important feature of interest of the asset. The windows in the three storey section of the south elevation, which are the subject of this appeal, comprise six, three-light, Gothick casement windows. The list entry and the appellants’ evidence indicate that these windows date from around the mid to late 18th century, being part of the building’s alteration and extension at that time. That said, the appellants believe the oldest ‘glazing’ within the windows to date ‘from the late 19th or early 20th century’. However, no further explanation or corroborative evidence on this is provided.
9. The windows are single-glazed, painted timber with an elaborate design which is largely uniform over the six units, with the appellants’ evidence citing ‘only very minor variations in their heights and widths’. Internally, several of the windows possess timber shutters and panelling within their reveals. The windows, shutters and panelling have undergone some alterations and repairs in the past but, overall, maintain their historic integrity and authenticity.
10. Having regard to the submitted evidence, although not original to the asset, the six windows that are the subject of the appeal are undoubtedly historic. Moreover, they denote an important phase in the building’s development; with the ‘refenestration’ being reflective of the social and architectural fashions of that time, as well as representative of the status of the building and its occupants. In these respects, the windows contribute in a positive and meaningful way to the special interest and significance of this designated heritage asset.

Proposed works and effects

11. 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.
12. The proposed works are the replacement of the six windows in the south elevation with, what is described as, identically detailed replicas incorporating slim section ‘3-4-3’ 10mm thick double glazed units. The windows would be constructed of new

² As stated in the appellants’ Heritage Statement; but also stated in the appellants’ Final Comments to be ‘one of four dwellings subdivided from a large and historically extended hall’.

- well-seasoned timber, and the glazing units would have a black edge spacer and would be fixed with a timber glazing bead with a silicon sealant. The shutters and surrounding panelling and architraves would not be altered as part of the proposal.
13. The Council granted listed building consents for the replacement of nine windows on the north elevation of the appeal property in 2023 and 2024³, which incorporated the 'slimlite' double-glazed system proposed as part of this appeal. I viewed the new windows installed in the north elevation when on site.
 14. The proposal before me would result in the irreversible loss of historic fabric. Contrary to the appellants' assertion, the quantity of this loss would not be minor in the wider context of the building as a whole. I am also mindful of this fenestration's important contribution to the intrinsic heritage merit of the asset. Consequently, this loss would adversely diminish the special historic and architectural interests of the building and would not sustain its significance.
 15. I recognise the ongoing issues faced by the appellants in relation to the existing windows, including condensation, damp, draughts, and water ingress. Moreover, I observed on site that, although the existing windows appeared to be mostly in fair condition, there was evidence of some decay and deterioration. Nevertheless, no substantive information, such as a detailed and robust assessment of the condition of the windows, has been submitted to support the appellants case for their removal and the consequent harm to the building's heritage merit. The unjustified loss of the existing windows would erode the listed building's historic and architectural integrity and undermine its heritage interests.
 16. Additionally, I note the appellants' submission that the proposed replacement windows would 'accurately replicate the appearance of the existing ones in all respects except the introduction of the slim section double glazed units'. However, the submitted plans lack detail in confirming that this would be the case, with the only existing and proposed detail provided being that of a glazing bar, indicating a change to the depth of its moulded profile.
 17. 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 meaningful assessment of any consequent effects. The deficiency in the detail of the proposed windows and their insertion within the existing openings, limits an informed analysis. Given the centrality of this issue to the acceptability of the proposal and mindful of the weighty statutory duty set out in section 16(2) of the Act, I am of the opinion that it would not be appropriate to leave such a matter to be controlled by condition(s).
 18. The appellants refer to guidance by Historic England (HE) and the 'Changeworks' Report⁴, but do not cite any specific sections which support their case. Of these, I note that the HE guidance confirms that 'Surviving historic fenestration is an irreplaceable resource which should be conserved and repaired whenever possible', and that, 'retaining historic windows of significance is an important part of good conservation.' Additionally, whilst the Changeworks report recommends that slim profile double-glazing should be permitted in listed buildings, this is caveated

³ Application Ref: DM/23/00143/LB Replace 9 windows to the north elevation – Granted 17 March 2023; and Application Ref: DM/24/00114/LB Replace 9 windows to the north elevation (Resubmission) – Granted 12 March 2024.

⁴ Historic England HEAG039 – Traditional Windows, Their Care, Repair and Upgrading. Dated February 2017; and Changeworks Report For The City of Edinburgh Council, Double Glazing in Listed Buildings, dated 2010.

in stating, 'where there would not be a significant loss of historic material' (my emphasis), which is not the case before me.

19. I am aware that the proposal relates to an elevation of the building which is not readily visible from public routes. 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.
20. Consequently, I find that the proposed works would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and would harm the significance of this designated heritage asset.

Public benefits and heritage balance

21. 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 would be 'less than substantial'. 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.
22. Mindful of what is stated to constitute a public benefit within the Planning Practice Guidance⁵, it is reasonable to conclude that the proposal would generate economic benefits in the manufacture and installation of the windows and social benefits in an improvement to the local housing stock. In addition, and as stressed by the appellants, environmental benefits would accrue from an improvement in the thermal performance/energy efficiency of the property and thus a reduction in its carbon emissions and enhancement of its environmental sustainability.
23. I accept that these outcomes would facilitate the delivery of the main objectives of the planning system as outlined in the Framework and would represent benefits to the public at large. The extent of the benefits is tempered by the modest amount of the works, but still carry moderate weight in favour of the appeal. I am also aware of the Framework's requirement to give significant weight to the need to support energy efficiency improvements to existing buildings⁶, whilst also applying policies set out in chapter 16.
24. Nonetheless, some of the benefits generated by the proposal would be exclusively private in nature to occupants of the property. I acknowledge the constraints of the window openings in accommodating alternative options such as secondary glazing; and the potential for the creation of a temperature differential between the north and south elevations if the existing circumstances remain. However, I am not persuaded that the only way of securing the public benefits identified above would be via the appeal proposal. Indeed, the HE Advice Note cited by the appellants⁷ recommends a 'whole building approach' in meeting the combined objectives of increasing energy efficiency and sustaining significance in heritage assets, while avoiding unintended consequences.
25. Moreover, no compelling evidence has been presented which demonstrates that the proposed works are necessary to secure the listed building's ongoing

⁵ Planning Practice Guidance Paragraph: 020 Reference ID: 18a-020-20190723.

⁶ Paragraph 167 of the Framework.

⁷ Historic England Advice Note 14 (HEAG 295 HEAN014) Energy Efficiency and Traditional Homes, Dated 2020.

residential use, or that its conservation as a designated heritage asset would be at risk if the appeal was to fail and the proposal, as submitted, was not implemented.

26. In all of the above respects, clear and convincing justification has not been provided for the identified harm to the significance of the designated heritage asset. On balance, in giving considerable importance and weight to the harm to the significance of the listed building, I find that this would not be outweighed by the moderate public benefits that would be generated by the proposed works.
27. Accordingly, I conclude that the proposed works would fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses and would harm its significance. As such, they would conflict with the statutory presumption set out in section 16(2) of the Act; and the provisions within the Framework which seek to conserve and enhance the historic environment.
28. 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 proposal would not comply with Policy 44 of the County Durham Plan (2020) which requires proposals to sustain the significance of heritage assets.

Other Matters

29. The appellants have drawn my attention to a number of other appeal decisions⁸ where double-glazed units were allowed on appeal in listed buildings. One is located within the same geographical area as the appeal before me, but it dates from 2007 and, although it would have been determined in the context of the same statutory duty of the Act, the national and local policy decision making context was different to that which is before me.
30. The other decisions cited are located in different local planning authority areas and are also of some date, being 2015 or earlier. Again, although they would have been determined in the context of the same statutory duty of the Act, the national and local policy decision making context was different to that which is before me.
31. Furthermore, none appear to be directly comparable to the situation and circumstances of this appeal proposal, for example with one involving the replacement of non-historic/modern windows and another incorporating crown glass into the outer panes of the double-glazed units.
32. I recognise the grant of listed building consents by the Council for the replacement of the windows on the north elevation of the appeal property with 'slimlite' double-glazed units. However, the evidence indicates that all except one of the windows were identified as being 20th century fabric which had undergone numerous repairs. It follows that these windows did not have a 'similar historic value' to those on the south elevation and these decisions attract little weight in favour of the appeal.
33. The appellants submit that the planning history of the listed building demonstrates that the replacement of windows within it has an established acceptance by the Council. The most recent grants of consent are addressed above. With reference to the others, no details of those particular applications and consents have been

⁸ Appendix 1 of Appellants' Statement.

provided to allow any comparison with the details and circumstances of the appeal before me.

34. I acknowledge that, in improving the energy efficiency of the building with a consequent reduction in carbon emissions, the proposal would comply with Core Principles and Policy 29 of the County Durham Plan as well as Chapter 14 of the Framework. Nonetheless, I have found harm and legislative/policy conflict in relation to the building's status as a designated heritage asset. The environmental public benefits which would accrue from the proposal have been acknowledged above. These have been applied along with other identified public benefits in the required balance, but concluded that they would not outweigh the harm to the asset's significance.
35. I am aware that Startforth Parish Council provided its support to the application and that there were no objections or other comments from external bodies. Nonetheless, this is a neutral consideration and weighs neither for nor against the appeal.
36. I note the appellants' comments regarding the Council's conduct in respect of the application and the appeal. However, these matters do not fall within the scope of my considerations in the determination of an appeal under Section 20 of the Act.
37. None of the other matters raised alter my conclusion on the main issue.

Conclusion

38. For the reasons given above the appeal should be dismissed.

F Cullen

INSPECTOR