



Appeal Decision

Site visit made on 25 February 2025

by **R Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th April 2025

Appeal Ref: APP/W1905/Y/24/3351463

2 Church Lane, Wormley, Broxbourne, EN10 6JT

- 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 Ben Kirby against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0228/LB.
 - The works proposed are described as '*Listed building consent for retrospective permission to retain upvc windows*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the appeal relates to a listed building within 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 (the Act). Although the appeal form states the building is Grade II*, the list entry confirms it is Grade II. I have taken the address above from the appeal form as it is more accurate, referring to '*Broxbourne*' and not '*Hoddesdon*'.
3. The description on the application form states the works as being '*to fit wooden windows to address, windows to be fitted to both levels – front only. Windows to replace current PVC windows*'. However, the appeal form refers to consent being sought for '*retrospective permission to retain uPVC windows*'. It is clear from the evidence that the proposal changed from that originally applied for and was ultimately determined by the council on the basis it was for the retention of two uPVC windows that had been installed in the front elevation of the building. I have therefore determined the appeal on that basis and used the amended description from the appeal form in the banner heading above, noting that the provisions of the Act require that an appeal against the refusal of works to a listed building that have taken place should not be regarded as being retrospective and is for regularisation.

Main Issues

4. The main issues are whether the proposal preserves the special architectural and historic interest of Nos. 2,4,6 and 8 Church Lane, a Grade II listed building and whether the proposal preserves or enhances the character or appearance of the Wormley Conservation Area (the WCA).

Reasons

The listed building

5. The official list entry (ref: 1100540) refers to Nos. 2, 4, 6 and 8 Church Lane, a range of four modest two storey early 19th century cottages fronting directly onto the lane with modern roughcast on yellow stock brick walls and under a slate roof. The entry refers to a horizontal sliding sash to the first floor of No. 4, and vertical sashes to the ground floor of Nos. 2 and 4. Reference is made to No. 6 having a bow shop window with simplified entablature. The windows of No. 8 are not referred to in the entry but I observed they were painted timber windows with a ground floor vertical sash.
6. I also observed that uPVC windows had been installed in the rear elevation of No. 2 although those works are not part of the appeal proposal before me. Despite these alterations the special interest of the listed building, insofar as it relates to the proposal before me, is primarily associated with the surviving historic fabric and architectural and historic cultural value. An attractive repository and expression of past building and working traditions and technologies demonstrating the skills of the craftsmen of the time, the building is an attractive, historic range of dwellings typical of the local vernacular and retains a valuable aesthetic quality.
7. Consisting of a top opening fanlight with a different pane pattern throughout, internally fixed mullions and a trickle vent the Council's photographic evidence¹ clearly demonstrates that the installed ground floor window in No. 2 does not replicate the design of the previous painted timber vertical sash window. Despite matching the previous pane arrangement, the window installed on the first floor also has internally fixed mullions so are also without profile.
8. The use of such a composite material and the modern appearance of its construction lacks the authenticity and artisanry of painted timber which ages over time developing a unique and sympathetic patina of age. The works have significantly altered the external appearance of the building and introduced an inauthentic non-traditional composite material that has eroded the historic architectural interest of the building, causing harm to its significance as a designated heritage asset.

Wormley Conservation Area

9. Wormley is a small village settlement originating in the 9th century and I observed the significance of the WCA mainly derives from its variety and grouping of buildings set along the main highway and around The Square. Occupying an important position on a main route out of London it had an historical function as a centre for commerce and trade with many examples of buildings formerly used by blacksmiths, wheelwrights, coach builders, tailors and glove makers and ranging from late mediaeval origin to the 17th, 18th and 19th centuries.
10. I acknowledge that the Council did not object on these grounds and that the appeal building is only a small part of the WCA. I also observed a number of modern infill and other buildings along with various alterations and extensions utilising modern composite materials such as uPVC windows and cladding. Nonetheless, because the proposal harms the special architectural and historic

¹ Before and After photographs within Council's delegated officer report.

interest of the listed building which is a positive contributor to the character and appearance of the WCA, the proposal also fails to preserve or enhance the character or appearance of the WCA.

Planning balance and conclusion

11. In terms of the National Planning Policy Framework (the Framework) the harms I have identified are less than substantial but nonetheless carry considerable importance and weight. Under such circumstances, and despite the Council's failure to do so in the officer report, the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
12. An undated email from a letting agent states that issues with condensation and mould had been a problem in the property since 2018. Consequently a ventilation system was installed in January 2021 and I observed air vents in the building. Post installation, the tenant confirmed that more air was circulating and the condensation in the bedroom window was not as bad, but that *'the wood was rotting due to its age'*. The agent goes on to state the windows continued to deteriorate but since the double glazing had been fitted no more mould had been reported.
13. On this evidence it appears to be the installation of the ventilation system that addressed the condensation issue and I see no reason why appropriate glazing in properly crafted and maintained timber frames, would result in unacceptable living conditions or damage to historic fabric. There is also nothing before me that suggests more suitable timber windows could not meet current building, energy efficiency, security and fire safety regulations. Therefore, in addressing matters relating to thermal efficiency and security there would not be a public benefit over and above timber. In my experience a carefully crafted, properly treated, installed, and maintained timber window is also capable of having a greater lifespan than composite windows, which can also be affected by other issues such as opacity from failed gas seals and discoloration. Any reduced cost of uPVC compared with timber would be a private benefit not afforded material weight. On the evidence before me, the continued viable use of No.2 as a residential dwelling is not dependent on the proposal as it has an ongoing residential use that would not cease in its absence.
14. The less than substantial harm to the significance of the heritage assets, and the considerable importance and weight that this carries is not outweighed by the public benefits. I conclude that the works fail to preserve the special historic interest of the Grade II listed building and fail to preserve or enhance the character or appearance of the WCA, thus failing to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant.
15. Whilst my attention has been drawn to other uPVC windows in Church Lane, including at No. 4 I have not been provided with the full details so cannot be certain the circumstances are directly comparable to the proposal before me. In any event, each case has bespoke, site-specific considerations and judgments that have to be balanced and made. On the evidence before me such examples in no way set a precedent that should be adhered to in every case, and their presence does not alter my views in relation to the harm being caused.

Conclusion

16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

R Aston

INSPECTOR