



Appeal Decision

Site visit made on 3 June 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/Z1510/W/25/3360099

Flats 1A and 1B, 1 Butler Road, Halstead CO9 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Sandra Stanford against the decision of Braintree District Council.
 - The application Ref is 24/02084/FUL.
 - The development proposed was originally described as 'replacement of timber windows'.
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Decision

1. The appeal is allowed, and planning permission is granted for the replacement of windows at 1A and 1B, 1 Butler Road, Halstead CO9 1LL in accordance with the terms of the application, Ref 24/02084/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan
 - Floor Plan and Elevations as Existing and Proposed
 - Block Plan
 - 3) Prior to the installation of the white Residence Collection R9 replacement windows hereby approved (as confirmed the appellant's email of 27 May 2025), exact specifications for each window to be replaced in the form of drawings at a scale of 1:20 (or as may otherwise be agreed as appropriate) showing sections, profiles and precise glazing bar designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such.

Preliminary Matters

2. On site I observed that one window in the appeal building is UPVC. Its planning status is unknown. Therefore, I have sought clarity from the appellant as to whether this would also be replaced, and they have confirmed that it would. As the description of development explicitly refers to 'timber', they have also agreed to an amended description to reflect this. The Council would not be prejudiced by this clarification, and I determine the appeal on that basis.

3. During the appeal proceedings the appellant provided alternative details of the proposed replacement windows to those submitted to the Council at application stage. Both the 'Rio by REHAU' windows as originally proposed and the 'Residence Collection' windows as now advanced, are flush fitted double glazed and are UPVC. Therefore, the alternative window detailing does not depart from the original proposal and I deem this to be supplementary detailing rather than a fundamental change. The Council have had the opportunity to comment. As their case is predicated on the choice of material as opposed to the precise detailing, they would not be prejudiced by my acceptance of the revisions, nor would any other third party. Therefore, I have proceeded on the basis of the revised details.

Main Issues

4. The main issues are whether the proposal would:
- preserve or enhance the character and appearance of the Halstead Conservation Area (CA); and
 - preserve the setting of the Grade II listed building known as The Locomotive Public House on Butler Road.

Reasons

Conservation Area

5. The appeal site is within the Halstead CA. The statutory duty set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of a Conservation Area.
6. Halstead is a market town built around the River Colne. Its CA encompasses the town centre and historic core, towards the northern edge of the settlement, which boasts generally well-preserved historic buildings including Victorian and Georgian architecture. Its significance is derived from its evolution over time from an industrial heritage.
7. The appeal site comprises an unlisted building containing a pair of flats known as 1A and 1B at 1 Butler Road. Located close to the junction with Trinity Street, the appeal site is a detached building set directly adjacent to the back edge of the footpath. This late 19th century building is two-storey with painted brickwork, masonry and render. This contains mostly simple white painted timber windows that both parties agree were likely fitted in the 20th century. However, the ground floor window on the elevation fronting the road comprises a white UPVC casement. The adjacent building is The Locomotive Public House which is set back from the road and has a seating area immediately in front. This is Grade II listed. The boundary of the CA terminates immediately north of the listed building and the public car park opposite is also outside of the CA.
8. In this part of the CA, there is a mix of modern and traditional buildings. Apart from the listed building, those buildings closest to the appeal site do not have consistent types of window detailing or materials. At my site visit I observed the presence of UPVC windows within the CA. The Council acknowledge unauthorised UPVC windows present, albeit it is not clear which ones.

9. The fabric of the building at No. 1 is evidently 19th century in origin, however it has been much altered over time. The modern windows whilst mostly timber, do not have traditional glazing patterns. Neither are they consistent in their type, with some units being single glazed, whilst others are thin profiled double glazed. The windows are not positive features of the building, nor reflective of its historic origin. Overall, the building is now unremarkable and makes a neutral contribution to the character and appearance of the CA.
10. The proposal is for the replacement of all windows within the building with UPVC double glazed windows. The appellant has confirmed that the replacement windows would be 'Residence 9' from the Residence Collection window range. Whilst precise details have not been provided in respect of their exact specifications, it is evident from the details that are before me, that these are designed to replicate historic 19th century timber designs. The replacement windows are manufactured from UPVC, but these are of high quality. To most receptors the modern material would likely be largely imperceptible. The glazing bar detail is not before me but is a matter that could reasonably be controlled by condition. It would be possible to achieve a betterment in this respect, particularly in respect of one of the most prominent replacement windows, which is already a poorer quality UPVC casement. Nevertheless, I am satisfied that the effect of the development would have, as a minimum, a neutral effect on the surroundings.
11. Therefore, this would preserve the character and appearance of the Halstead CA. Accordingly, it would meet the expectations of Policies SP7, LPP36, LPP47, LPP52, LPP53 and LLP57 of the Braintree District Local Plan 2013-2033 (2021) (Local Plan) which amongst other things, together, seek to ensure that developments preserve or enhance the character and appearance of conservation areas.

Setting of Listed Building

12. Mindful of the statutory duty set out in s66(1) of the LBCA, I have had special regard to the desirability of preserving the setting of the adjacent listed building.
13. The Locomotive Public House was formerly two buildings from the mid-17th and late 18th Century and is part brick, part timber framed and plastered with plain tiles and slate roof coverings. The listing description of this building highlights the significance of its original 5 window ranges of double hung sashes with glazing bars at first floor and the similar windows at ground floor.
14. During my site visit, I noted the row of terrace dwellings on the opposite side of the listed building comprise largely UPVC windows of various styles with no consistent glazing bar pattern.
15. With its modern 20th Century windows, the appeal property currently makes a neutral contribution to the setting of this listed building. There is no consistent window detailing that would be eroded by the replacement windows. Whilst comprising modern UPVC materials, I have found the replacement windows would be of high quality. The casements of the style indicated would not undermine the setting of the listed building. On the contrary, it provides the opportunity of bringing back a more suitable casement style that better reflects the construction period of the building. This in turn could enhance the setting of the adjacent building. Overall, I am satisfied that it would, at the very least, meet the minimum test of having a neutral effect on the setting of the listed building.

16. Accordingly, it would meet the expectations of Policies SP7, LPP36, LPP47, LPP52 and LLP57 of the Local Plan which amongst other things, seek to ensure the effects on heritage assets and their setting is respected, preserved and enhanced.

Conditions

17. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
18. Limited details are before me in respect of the exact specifications of the replacement windows which are of various sizes. Condition 3 therefore requires that precise details are provided prior to the windows being installed for the avoidance of doubt, to ensure continuity throughout the building and in the interests of preserving or enhancing the character, appearance and setting of the heritage assets.

Conclusion

19. As set out above, the appeal proposal would preserve the character and appearance of the CA and the setting of the adjacent listed building. It follows that the duties under s72(1) and s66(1) of the LBCA have been met. For the same reasons the appeal proposal would accord with the policies contained within the development plan. The appeal is therefore allowed.

C Walker

INSPECTOR