



Appeal Decision

Site visit made on 26 August 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 SEPTEMBER 2025

Appeal Ref: APP/J1915/Y/25/3360837

21B Old Cross, Hertford, Hertfordshire SG14 1RE

- 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 Roberto Picone against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/2142/LBC.
 - The works proposed are replacement and repairs to windows, material changes to flat entrance and glazed replacement skylight, removal of internal partition, boiler relocation with flue extract, new bathroom extractor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
3. The appellant mentions in the appeal statement that, as part of this proposal, the rear porch was always intended to be replaced with a lead covering, with rolls, to replace the unsuitable (existing) felt roof. Therefore, in this regard, the appellant notes that the drawing showing the proposed elevations (Ref.P005) was annotated incorrectly. This being so, should I be minded to allow the appeal, I am satisfied that a suitably worded condition could secure re-roofing the porch in lead with an appropriate detail. I have therefore not considered this matter further in my decision.

Main Issue

4. The main issue is whether or not the works would preserve the Grade II listed building or any features of special architectural or historic interest which it possesses, and whether its significance as a heritage asset would be preserved.

Reasons

5. The appeal property forms part of a Grade II listed building (identified as 19,21 and 21A Old Cross, Ref.1268830). The list description mentions that the property as a whole dates from the 17th century with 19th century alterations and was formerly a house, now shops with a flat above. It mentions, amongst other things, that the building is of two storeys with an attic, is constructed in timber framing with a tiled

roof and has a lead flat roof to the left. It describes the arrangement of openings and building features to the frontage including three projecting, canted, wooden oriel bays to the first floor with plate-glazed sash windows, supported on cut brackets.

6. From the evidence before me, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from the building's age, historic fabric, plan form and its architectural features. Its significance can be experienced and appreciated from within the building and from the street where it forms part of a high-quality historic streetscape and is identified as having group value. The windows of traditional design are a distinctive part of the legibility of the building. Windows are often among the most prominent features of a listed building and an integral part of the design and can be indicators of when a building was constructed or mark phases of change. The design, materials and construction detail of historic windows are all important to the aesthetic, evidential and historic value of a building and they contribute to its significance and special interest.
7. As part of the renovation of the building, the Council objects to the proposed replacement of the oriel bay windows to the frontage containing single-glazed vertically sliding sashes as well as a single glazed side-hung casement window in the upper gable of the side elevation. The Council's view is that their replacement would result in an unnecessary loss of historic fabric.
8. The appellant suggests that the contested three windows probably date from the early or mid-20th century and do not form part of the special interest or significance of the listed building. It is further suggested that mention of the oriel windows in the list description is an observation rather than attributing them any significance, and that the gable window is not mentioned. However, although these windows may not be original to the 17th century building, I have explained above the importance of traditional windows to a building's significance. In this case, from what I have seen, each of the three windows appears to be a well-constructed and appropriate period detail reflecting the building's evolution over time. I saw that the large and decorative oriel windows, containing vertically sliding sashes, had finely moulded timber frames, and the sash boxes, pulleys, weights and ironmongery all appeared to be in situ. Some of the windows remained operational. The windows may not have been subdivided into small panes by glazing bars, but this is an appropriate detail for the period. The oriel bay windows are a distinctive, architecturally and historically valuable feature of the building. The side-hung casement window in the gable is visible from the street and is also a good example of its type with fine, moulded glazing bars and flush-fitting casements. The windows may be on the upper floors, but listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are available.
9. The appellant mentions that a condition survey was undertaken of the property and consideration was given to good conservation practice including SPAB Technical Guidance on retention and repair. In this regard, I note that two rear windows are proposed to be repaired which I welcome. However, although reference is made to the deteriorating condition of the windows generally, and a lack of maintenance by a previous owner, there is no adequate dilapidation survey of the oriel bay windows, and the gable window prepared by a suitably qualified professional. I saw on site that the windows were showing localised areas of

decay and in need of decoration but there is no adequate evidence to assure me that they are not capable of reasonable repair. Allowing replacement without the necessary scrutiny of each window could result in an unjustified loss of important building fabric including authentic details.

10. Elsewhere on the building the Council has accepted some replacement windows incorporating purpose-made slim double-glazed units, predominantly justified by an improved window design. I also note that the Council has suggested that it may be possible to incorporate slim double-glazed units into the existing historic frames of the three windows in question. However, a professional assessment is required to assess the three windows for repair and to consider their suitability for double-glazed units, including an explanation of the changes that this would entail. In the absence of this assessment, the unjustified loss of the windows would result in harm to the listed building's special interest and significance.
11. The appellant doubts that they would be unlikely to secure skilled craftsmen to carry out repair work in situ and that the works would be disruptive and expensive. However, there is little evidence to explain or support these views. The appellant may seek a consistent approach to the window treatment, but most listed buildings typically exhibit a rich patina of changes over time which adds to their authenticity.
12. Considering the above, I find that the proposal would fail to preserve the special interest and significance of the listed building. Therefore, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework goes on to advise that significance can be harmed or lost through alteration or destruction of an asset and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset to be a moderate level of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the building's optimal viable use.
13. The proposal as a whole seeks to repair and renovate the flat to enhance its functionality, energy efficiency and make it suitable for modern living. Alongside, the renovation of the listed building would help secure its long-term future. The appellant considers that the replacement windows would help achieve sustainability through energy efficiency, would help to reduce condensation problems and would make the building appropriate for 21st century living.
14. Even though maintaining the fabric of a listed building, improvements to thermal efficiency and securing a beneficial use can reasonably be considered public benefits, it has not been demonstrated that such improvements could not be achieved through alternative means, so avoiding the harm identified to the designated heritage asset as a result of this proposal. As such, I consider that little weight can be given to these benefits. The works would support the residential use of the upper floors of the property, which is likely to be its optimum use, but I have been given no indication that its viable use as a dwelling would be seriously threatened by not allowing this proposal.

15. Some enhancements would also be undertaken to the building, including replacing several windows with an improved design, installing a more appropriate rooflight and reinstating leadwork. These matters attract limited weight as public benefits.
16. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. In addition, there is no clear and convincing justification for the harm to its significance. It therefore follows that the proposal would not comply with the Framework and would conflict with Policies HA1 and HA7 of the East Herts District Plan (2018) so far as these are relevant.

Other Matters

17. I have had regard to the other aspects of the appeal proposal and have viewed them on site and considered the Council's response to them. There is no compelling evidence or information to suggest that I should conclude differently to the Council and my concerns rest with the replacement three windows and I have reached a conclusion on this matter.

Conclusion

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

G Bayliss

INSPECTOR