



Appeal Decisions

Site visit made on 19 November 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal A Ref: APP/Y3940/W/25/3371252

15a High Street, Calne, Wiltshire SN11 0BS

- 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 Mr Scott Chapman against the decision of Wiltshire Council.
 - The application Ref is PL/2025/02529.
 - The development proposed is the replacement of two wooden sash windows on the first floor, front (west) side of the property, with uPVC double glazed equivalents with acoustic glass. The new windows will be as close to the original windows in appearance as possible, in a white wood grain effect internally and externally, and will be provided by DL Windows in Calne. The new windows will be made by Quickslide and are the Legacy window product. The windows will use the slim 37mm mid rail, be in the centre bar format (to match the current window style), with clear laminated (acoustic) glass. The units are double glazed. I do not believe that trickle vents are required, so would not be included. The windows would have fully mechanical joints to match the existing wood frame appearance.
The reason for the development is due to the construction of a new road on the high street, which has introduced significantly more road noise into the property. Particularly, there are many modified vehicles that drive around the town, producing significant noise and vibration during the day and particularly at night. The property is entirely contained in the front of the building, so it's not possible to avoid the additional noise by changing the layout, which is why I want to change the windows to reduce the noise pollution and vibrations from the road. I have considered wooden and secondary glazing alternatives, but they do not seal well enough to create the desired effect in terms of managing the additional noise, particularly given the proximity of the new road.
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Appeal B Ref: APP/Y3940/Y/25/3370359

15a High Street, Calne, Wiltshire SN11 0BS

- 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 Scott Chapman against the decision of Wiltshire Council.
 - The application Ref is PL/2025/02804.
 - The works proposed are as per Appeal A.
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As the appeal site comprises a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). Section 72(1) is also relevant as the site is located within a conservation area.
4. Representations have been made by the appellant to the effect that his rights under Article 8(1) of the Human Rights Act 1998 would be interfered with or

violated should this appeal be unsuccessful. I have, therefore, dealt with this matter as an additional main issue.

5. Consequently, the main issues are:

- whether the proposal would preserve the Grade II listed building defined in the list entry as 15, 16 and 17 High Street¹, or its setting, or any of the features of special architectural or historic interest that it possesses; and the extent to which the proposal would preserve or enhance the character or appearance of the Calne Conservation Area (CCA); and
- the consequences of dismissing the appeal on the appellant's living conditions, with particular regard to noise and vibrations from passing vehicles.

Reasons

Heritage

6. The appeal property comprises a flat located on the first floor of the three-storey terraced building of No.15 which, together with No.16 and No.17, forms a single listing entry. Believed to have been built as three separate dwellings during the middle of the nineteenth century, the listed building now comprises shops at the ground floor level with residential accommodation above within a terrace of similarly mixed-use buildings. While twentieth century shopfronts have been inserted at street level in each of the former dwellings, many of the architectural features which reflect the vernacular of the mid nineteenth century remain.
7. In respect to No.15, these features include the historic two by two pane simple sash single glazed timber framed windows within raised surrounds and its rendered limestone façade. Therefore, the special interest of the listed building, insofar as is relevant to the proposal is derived from the proportions, arrangement and materials of its windows and their surrounds.
8. The proposal comprises the replacement of two sash windows in the front elevation with uPVC double glazed windows, to be fitted with acoustic glass. Despite indicated to be designed to replicate the proportions of the existing windows, including sashes and a slim midrail, detailed scaled drawings and sections of the proposed windows are not before me. Additionally, the marketing images provided show wide frames and horned sashes; both of which are not features of the existing windows. Therefore, in the absence of specific details, as well as comparable drawings of the historic windows, it has not been demonstrated that the proposal would replicate this element of the listed building's special architectural interest.
9. Notwithstanding this, the replacement windows would introduce a synthetic material to the listed building's facade. The resultant windows would, consequently, contrast starkly with the remaining historic first and second floor windows of the listed building. This would be detrimental to the special architectural and historic interest of the listed building as a whole.
10. The CCA covers the historic core of Calne, broadly centred on The Strand and encompassing the built form that follows the alignment of the key roads and waterway routes that radiate out from this point. The High Street is located to the

¹ List Entry Number: 1270989; date first listed: 8 July 1976

north of The Strand and comprises a terrace of narrow yet deep plots that form part of the town's commercial and civic centre. This function, as well as the predominant use of vernacular materials, including stone, slate and timber, underpin the significance of this part of the CCA. Comprising a ground floor shop and constructed using the aforementioned vernacular materials the listed building makes a positive contribution to this significance. Therefore, through the introduction of a synthetic material, the proposal would also have a detrimental effect on an element which makes a positive contribution to the CCA's significance.

11. The proposal would result in unsympathetic alterations to part of the listed building, which would detract from its importance and harm its significance, rather than reinforcing or better revealing it, as advanced by the appellant. Hence I conclude that the proposal would not preserve the Grade II listed building, or its setting, or the features of special or historic interest that it possesses. Nor would it preserve the character or appearance of the CCA. It therefore conflicts with policies 57 and 58 of the Wiltshire Core Strategy insofar as they require development to represent a high standard of design whilst being sympathetic to and conserving historic buildings.
12. The proposal is also contrary to s16(2), s66(1) and s72(1) of the Act. The level of harm in this case would be less than substantial. Taking into account the presence of historic windows in all the upper floors of the listed building, the magnitude of this harm would be moderate. With respect to the CCA, the harm would be towards the lower end of less than substantial spectrum due to the scale of the appeal property within the context of the CCA. Nonetheless, any harm requires clear and convincing justification, in accordance with the National Planning Policy Framework (the Framework) and balanced against the public benefits which would be derived from it. This is addressed in the Heritage Balance below.

Noise and vibration

13. Following the opening up of the High Street to all vehicles via an Experimental Traffic Regulation Order (ETRO), which was previously pedestrianised with restricted vehicular access, there has undoubtedly been an increase in the number of vehicles travelling close to the appeal site. It therefore follows that there has been a corresponding increase in noise and, to a lesser extent, vibrations experienced by the appellant when inside their home.
14. However, whilst acknowledging the effect the appellant has outlined the ETRO has had on his sleep and wellbeing, no substantive evidence, such as a noise assessment, is before me confirming the noise levels currently experienced within the appeal property. In the absence of this, the level of noise I experienced during my daytime site visit when inside the appeal property, with both the historic sash and the secondary windows closed, is relevant. Although vehicular noise was evident, it did not reach a level which was noticeably high or which I would define as excessive. Additionally, the effect of vibrations from passing vehicles was at a level insufficient for me to conclude they would be detrimental to the appellant's living conditions.
15. Nonetheless, the installation of double glazing, replacing the single glazed windows, would lead to a reduction in the noise levels experienced when inside the appeal property. This is likely to be more noticeable during the night when low-

level sounds, particularly those of an unpredictable and/or intermittent in nature, such as vehicular noise, can effect sleep patterns.

16. Although the Framework requires planning to prevent new and existing development from contributing to unacceptable levels of pollution, the evidence before me is insufficient to conclude the ETRO conflicts with this aim. Indeed, the ETRO has been implemented as part of the Council's duty to review and assess air quality under the Local Air Quality Management Regime in the Environment Act 2021 with the aim to improve air quality.
17. Article 8(1) of the Human Rights Act 1998 states that everyone has the right to respect for their private and family life, their home and their correspondence. The appellant has stated that this would be interfered with or violated in the event the appeal is dismissed. In so doing, my attention has been drawn to a European Court of Human Rights (ECHR) judgement² which confirms the duty of public bodies to avoiding making homes unusable. However, from the evidence before me and based on my observations during my site visit, there is little to suggest that the continued residential use of the property is dependent upon the proposal or at risk following my dismissal of this appeal, despite the appellant's frustrations.
18. Although there is no explicit right to a quiet environment under Article 8, nonetheless, where an individual is directly affected by noise then an issue may arise pursuant to the Human Rights Act. In this case the increase in the number of vehicles using the High Street has led to a change in the noise environment which, in turn, has had a negative impact on the appellant.
19. Therefore, I conclude that the consequences of dismissing the appeal on the appellant's living conditions, with particular regard to noise and, to a lesser extent, vibrations, from passing vehicles constitutes an interference with appellant's rights under Article 8 of the Human Rights Act.

Heritage Balance

20. Through the installation of acoustic glass, the proposal would lead to a reduction in noise and vibrations experienced by the appellant and a small improvement to the condition of a small home in the area. However, despite the positive, albeit unquantified, impact this would have on the appellant's sleep, this is predominantly a private benefit. Some economic benefits would be derived from the instruction of specialist window frame businesses at a very small scale given the scheme relates to two windows. Similarly, environmental benefits relating to energy efficiency would also be low.
21. While I did observe cracks in some of the panes, sections of the wooden frames were rotting and the window surrounds and cills had deteriorated, no substantive evidence is before me confirming these elements could not be repaired or refurbished. The condition of the windows, therefore, does not support their replacement. In any event, the principal reason for the proposal relates to the appellant's concerns regarding noise and vibration levels.
22. As such, the aforementioned benefits would not be of a scale sufficient to outweigh the level of harm identified to the special interest/significance of the listed building and CCA. Nor has clear and convincing justification, including any support from

² *Hatton and Others v UK* [2003] ECHR 338 (the Hatton Case)

Historic England regarding upgrades in the interests of health and wellbeing, for this harm been demonstrated. As already highlighted, I have no reason to conclude that the continued optimal viable use of the appeal property as a dwelling is at risk as a result of my decision. The proposal, therefore, would fail to preserve the special interest of the Grade II listed building and the significance of the CCA, a result which carries considerable importance and weight, consistent with the statutory duty in the Act and reiterated within the Framework.

23. Consequently, I conclude that the proposal would not preserve the Grade II listed building of 15, 16 and 17 High Street, or its setting, or any of the features of special architectural or historic interest that it possesses, or the character or appearance of the CCA.

Other Matters

24. As it has not been demonstrated that the noise from vehicles within the appeal property exceed levels which would result in unacceptable living conditions, the fact that the Council implemented the ETRO and refused the applications does not indicate a conflict of interest or a violation of natural justice. Moreover, as the ETRO is in place for a temporary period, during which representations from the local community are invited, the permanency of use of the High Street by all vehicles is unknown.
25. The Council's approach during the determination of the applications and whether the Council failed to consider the potential future planning approvals and traffic orders, including any perceived or actual conflict of interest arising as a result, are not matters for these decisions. Whilst the latest building regulations may require specific noise standards to be met within a dwelling, these relate to new buildings.
26. Although it is likely that differing cost implications are associated with the proposal against other alternative options, such as the refurbishment of the existing sash windows, such costs are not before me. Furthermore, there is little substantive evidence to justify the proposal based on the inability of one of the openings to support secondary glazing, particularly given the existing secondary glazing units I observed during my site visit.

Conclusion

27. Dismissing the appeal would interfere with the appellant's rights to have respect for his private and family life, his home and his correspondence, under Article 8 of the Human Rights Act 1998. However, as these are qualified rights, any interference with them should be considered against other factors, in this case whether designated heritage assets would be preserved.
28. I have found that the replacement windows would result in a moderate level of less than substantial harm to the Grade II listed building and towards the lower end of the spectrum in respect to the CCA. I attach considerable importance and weight to this effect, consistent with the statutory duty in the Act and as reiterated within the Framework.
29. Consequently, the interference with the appellant's Article 8 rights, in this instance, would accord with the law and be in pursuance of the legitimate preservation of two designated heritage assets. Therefore, it is proportionate and necessary to

dismiss both appeals and I conclude that there would be no violation of the appellant's human rights.

30. For the reasons given above, having had regard to all relevant matters raised, I conclude that both appeals should be dismissed.

Juliet Rogers

INSPECTOR