
Appeal Decisions

Site visit made on 16 June 2026

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 20th July 2026

Appeal A Ref: APP/Y2620/F/24/3357548

2 Shipden House High Street, Cromer NR27 9HG

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Mr Stuart Parry against a listed building enforcement notice (LBEN) issued by North Norfolk District Council.
- The LBEN was issued on 20 November 2024.
- The contravention of listed building control alleged in the LBEN is: without listed building consent the removal of two softwood unhorned sash windows with 6/6 glazing bar patters and the insertion of two UPVC double glazed windows on rear elevation of the building.
- The requirements of the LBEN are:
 1. Remove the two UPVC double glazed windows on rear elevation of the building
 2. Insert two softwood un-horned sash windows with 6/6 glazing bar patterns which exactly match those previously removed
 3. Paint the newly installed sash windows white
 4. Repair any surrounding brickwork on the building on a like- for- like basis as a consequence of fulfilling the requirements of this Notice.

Original windows as shown on attached Photo A.

- The period for compliance with the requirements is: 6 months.
 - The appeal is made on the grounds set out in section 39(1)(d) and (e) of the Act.
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Appeal B Ref: APP/Y2620/W/24/3356060

2 Shipden House, High Street, Cromer, Norfolk NR27 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Parry against the decision of North Norfolk District Council.
 - The application Ref is: PF/24/1536.
 - The development proposed is: replacement of 2No. first floor windows with Upvc double glazed windows on rear elevation.
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Appeal C Ref: APP/Y2620/Y/24/3356068

2 Shipden House, High Street, Cromer, Norfolk NR27 9HG

- The appeal is made under section 20 of the Act against a refusal to grant listed building consent.
 - The appeal is made by Mr Stuart Parry against the decision of North Norfolk District Council.
 - The application Ref is: LA/24/1384.
 - The works proposed are: replacement of 2No. first floor windows with Upvc double glazed windows on rear elevation.
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Decisions

Appeal A

1. It is directed that the listed building enforcement notice be corrected by:
 - the deletion of the word "patters" and its substitution with the word "patterns" in section 3.

2. Subject to the correction the appeal is dismissed, and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Appeal B

3. The appeal is dismissed.

Appeal C

4. The appeal is dismissed and listed building consent is refused for the replacement of 2No. first floor windows with Upvc double glazed windows on rear elevation.

Preliminary Matters – all appeals

5. As set out above there are three appeals on this site. They relate to the same site and the same works/development. To avoid duplication, I have dealt with them together, except where otherwise indicated.
6. The description of the development/works for which planning permission/listed building consent is sought is generally taken from the application form. However, the Council amended the description of the development/works during the determination of the applications and that description has been adopted by the appellant when completing their appeal forms. That amended description is accurate in respect of the development/works that has been applied for and therefore I have used that description in the banner headings for Appeal B and Appeal C above.

The Notice – Appeal A

7. On an appeal any defect, error, or misdescription in a LBEN may be corrected using the powers available in section 41(1)(a) of the Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. There is a typographical error within section 3 of the LBEN I therefore intend to delete the word '*patters*' and replace it with '*patterns*'. As this is a minor error no injustice to either main party would be caused by this correction.

Background and relevant policies

8. The appeal property was listed in grade II in 2003. The list description states, amongst other things, '*Commercial premises and flats, formerly house or houses. c.1500 origins, mainly C18/C19 with C20 alterations. Red brick with stone dressings and C20 tile roof with coped gables with kneelers and truncated end stacks. Some flint and brick to the rear which is partly rendered and colourwashed. 3 storeys and cellar with 2 storeys to rear range. Main range facing High Street with wings extending to rear and rear range, possibly originally hall and crosswing, the whole forming a courtyard plan with the space flat-roofed over at first floor level. Gable ends adjoin separate adjacent buildings but rear facing a car park has a projecting gable and lean-to to left and centre and a set-back main range to right with the higher rear wings of the front range visible to rear. The facing gable has 2 6/6 unhorned sashes at first floor over a door and 2 small C20 windows. Central doorway has curved overlight, C20 door and flat hood on heavy moulded brackets. ...*'. The building is located within a row of buildings that face onto a church and churchyard at the front and a carpark at the rear. Its ground

floor that fronts onto High Street, is in commercial use and the upper floors appear to be in use as residential units. The appeal property is located prominently on a main thoroughfare within Cromer town centre. The listed building lies within Cromer Conservation Area (CCA) and there is a mix of commercial and residential uses close to the appeal site.

9. An enforcement complaint was made to the Council in March 2024 stating that UPVC windows had been installed without Listed Building Consent (LBC). Following correspondence and an officer site visit, retrospective planning and LBC applications were submitted. The applications were refused on 9 September 2024 and the decisions appealed. These are the subjects of Appeal B and Appeal C. The LBEN was then issued on 20 November 2024, and this was also appealed. This is the subject of Appeal A.
10. The Council has cited development plan Policies EN4 and EN8 of the North Norfolk Core Strategy (CS) in all three appeals. These policies are broadly consistent with the National Planning Policy Framework (the Framework).
11. Sections 16(2) and 66(1) of the Act require me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest it possesses. Also, section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CCA.

The ground (d) appeal – Appeal A

12. This ground of appeal basically addresses situations where essential and urgent works were needed to preserve the listed building. The emphasis is on the words 'essential' and 'urgent'. The ground of appeal comprises three tests. The first is whether the works were urgently necessary in the interests of safety or health; the second test is that it was not practicable to achieve the aims of safety, health or preservation of the building by repair or temporary support and the third test is that the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation. For an appeal to succeed on ground (d) all three tests must be satisfied.
13. The appellant's case on this ground is less than compelling. It is credible that the frames and cills of the windows were in poor repair. However, even with the Cromer seaside climate it is very likely that the windows in need of repair would have deteriorated over a long period rather than suddenly. That poor repair may have had an impact on the health and well-being of the appellant. Nevertheless, there appears to be no good reason why these impacts could not have been alleviated by refurbishing and draught-proofing the existing windows, or failing that, replacing them like for like with appropriate timber sliding sashes. If the appellant wished to install double-glazed windows, there seems to be no good reason why listed building consent could not have been sought for them.
14. There would have been ample opportunity for forward planning of repair or replacement. Indeed, the replacement of the timber sash windows with Upvc windows would have taken some planning over a period, allowing for measurement, manufacture and installation. That period would have allowed for professional advice to be taken on the effect of the Upvc windows on the special interest/significance of the listed building. It has not been shown that the removal

of the timber windows and their replacement with Upvc windows represented the minimum necessary measures. The appeal cannot succeed on this ground.

The ground (e) appeal – Appeal A and Planning Application (Appeal B) and Listed Building Consent (Appeal C)

Main Issues

15. Based on my observations and the evidence before me I consider that the main issue is whether the installation of 2 Upvc double glazed windows at first floor level of the rear elevation preserves the special architectural and historic interest of the listed building, whether it preserves or enhances the character or appearance of CCA and whether the significance of the heritage assets is harmed.

Reasons

16. The significance, architectural and historic interest of the listed building derives mainly from the age of the building with the oldest parts, dating from c1500 and the 18th/19th Century, and the associated materials and architectural detailing making important contributions. Internally and externally the plan form of the building, although changed through time, remains as a record of the building's historic development. The building's past uses also contribute to its significance. The property forms a highly attractive and characterful building in a prominent location in Cromer.
17. Windows and doors are often among the most prominent features and an integral part of the design of a listed building and can be indicators of when the building was built. The design, materials and details of construction of historic windows are therefore important to the significance of a heritage asset and its special interest. Even minor differences between the form of historic windows and their replacements can have a significantly harmful effect on the significance and special interest of a listed building.
18. The evidence before me is that the replaced windows were traditional single glazed timber-framed sliding sashes with structural glazing bars. Other features in the design of the sashes included very slim sections to the meeting rails and stiles and the glazing bars/astragals also had very slim sections typical of the architectural style of the 19th Century. The removal of the windows erodes the historic interest that they contributed to the significance of the listed building.
19. In this regard the uPVC windows have an inappropriate modern production sheen finish, no structural glazing bars, and the large double panes of glass give off a "double register" reflection in some views, echoing their incompatible modern design. The frames, with visible trickle vents, appear heavier in composition than the more slender and refined timber windows they replaced. Additionally, the 'horns' have the appearance of simply being 'stuck' on to the underside of the top-frames and even the joint between horn and frame is distinctly noticeable. Taking these factors in combination, the replacements overall have an unambiguously modern appearance. Overall, their appearance is starkly at odds with the simpler and finer construction details of the traditional timber windows that were removed and the replacement windows have eroded the architectural interest of the listed building.

20. Based on the evidence before me and my observations the character, appearance and significance of this part of CCA appears to be derived from the quality and architectural detailing of the historic buildings within it, the palette of materials, the historic mix of commercial and residential uses and the relationship of the buildings to each other and the areas between them.
21. Even though the windows are on the rear elevation they are evident from the adjoining public car park. They individually and cumulatively erode the architectural interest of this prominent historic building which makes a positive contribution to the significance of CCA. It follows that the windows as installed also detract from the character and appearance of this part of the CCA. I have taken into consideration other Upvc windows that have been installed in another part of the rear elevations of the listed building and nearby buildings within CCA which have been drawn to my attention, and I observed those on my site visit.
22. However, it is unclear as to whether those windows were installed prior to the building being listed in 2003, whether the nearby buildings are listed buildings or whether the installation of those windows is unauthorised. Moreover, the existence of other Upvc windows which fail to preserve the significance of the listed building and/or the CCA does not set a precedent that should be repeated. I, therefore, conclude that the works do not preserve or enhance the character or appearance or significance of CCA.

Conclusion

23. Drawing all of the above factors together, I consider that the unauthorised works/development as a whole or in part fail to preserve the special interest of the listed building and the character and appearance of the CCA contrary to the expectations of the Act. I must attach considerable importance and weight to these considerations when reaching my decision. I conclude that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the Framework, is at the lower end of the scale of less than substantial harm. In those circumstances, paragraph 215 of the Framework says that this harm should be weighed against the public benefits of the works/development including, where appropriate, securing its optimum viable use. Even though I have found that the harm to the designated heritage assets is less than substantial, it is not to be treated as a less than substantial objection.
24. The appellant in part seeks to justify the need for the windows with reference to their general health conditions and the impacts of condensation on their health. The introduction of double-glazed windows will have improved the flats occupier's living conditions with regard to damp, cold and thermal efficiency. Whilst these matters, may have some impact on the use of the flat by its occupiers I have been given no indication that the part of the building's optimum viable use as a flat is seriously threatened. Moreover, it appears that other parts of the upper floors of the listed building still have single glazed timber windows and those parts appear to be residentially occupied.
25. Improvements in energy efficiency and living conditions and therefore maintaining a listed building's long-term conservation can reasonably be considered public benefits which attract significant weight in support of the works/development. However, it has not been demonstrated that similar public benefits could not be achieved through alternative means such as secondary glazing or double-glazed

windows of appropriate material and pattern, so avoiding the harm identified to the significance of the listed building.

26. Overall, in my judgement, the public benefits associated with the works/development are not sufficient to outweigh the less than substantial harm and provide the clear and convincing justification for that harm. As a result, the works/development conflict with paragraphs 213 and 215 of the Framework. They also conflict with Policies EN4 and EN8 which, amongst other things, state that design which does not preserve or enhance the character and quality of an area will not be acceptable and development proposals should preserve or enhance the character and appearance of designated heritage assets. In regard to Appeal B the development conflicts with the development plan as a whole, material considerations do not indicate that the appeal should be decided other than in accordance with it.
27. For the reasons given above the appeals should be dismissed.

D Boffin

INSPECTOR