

Appeal Decisions

Site visit made on 17 November 2016

by Jacqueline Wilkinson Reg. Architect IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 December 2016

Appeal A Ref: APP/Z0116/Y/16/3157031 Church Hill House, Church Hill, Bristol BS4 4LT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Collins against the decision of Bristol City Council.
 - The application Ref 16/01117/LA, dated 1 March 2016, was refused by notice dated 12 July 2016.
 - The works proposed are to renew the top floor (roof) windows.
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Appeal B Ref: APP/Z0116/Y/16/3157026 Church Hill House, Church Hill, Bristol BS4 4LT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Collins against the decision of Bristol City Council.
 - The application Ref 15/01299/LA, dated 13 March 2015, was refused by notice dated 28 July 2016.
 - The works proposed are to replace present windows.
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Procedural matters

1. Appeal B – The appellant has clarified the extent of the works on the appeal form, but for the avoidance of doubt, I have assessed this appeal on the basis that the ground floor windows W1, W2, E2, E3, and E4 in Flat 2 are excluded from this appeal (as set out in the 1942 window schedule) as they have been approved¹. The appellant has also now confirmed that the three first floor sashes in the Venetian window, W9, W10 and W11 are to be retained and windows W3 and W4 (each side of the entrance door) are also accepted as being original and so to be retained, as stated in the Appeal Statement. **As this does not affect the Council's case or disadvantage other interested parties,** I have assessed this appeal on the basis that all these windows are now excluded from the proposed works.
2. The Council has referred to the effect on the Brislington Conservation Area, but these appeals are assessed under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 only. The scope of Section 16 does not include the effect on the conservation area and I am not required to have regard to the development plan policies quoted by the Council.

¹ under listed building consent granted 13/00588/LA

Decisions

3. The appeals are dismissed.

Main Issues

4. The main issue is whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses.

Reasons

5. Grade II* buildings are particularly important buildings of more than special interest (only 5.5% of listed buildings are this grade²). The building was listed in 1959 and has a complex history, **beginning as a fine gentleman's house in the early 18th century, transition into a school in 1796, reversion to a house in 1856 and then use as the vicarage to St Luke's Church. In 1981** it was converted into flats, which considerably affected its plan form. Surprisingly, there are still surviving internal features of architectural interest, such as panelling, doors, architraves and shutters, particularly in the hallway and the front ground floor rooms. These features date from both the first and later phases of the building. There is a particularly fine curved carved shell niche in the front room to Flat 2, which also has other features of interest.
6. The most important window is the Venetian window and the others associated with the formal entrance, but the array of different windows in this building reflects the evolving story of each period of its complex history of uses. These other windows should not be dismissed as being of no interest just because they are not from the earliest period.
7. Section 16 of the Act requires that special regard shall be had to the desirability of preserving the building or any features of special architectural or historic interest which it possesses (my underlining). The starting point for any assessment must therefore be a clear understanding of the historic value of the features of special architectural or historic interest which this building possesses, in this case the existing windows. This assessment then determines whether the window should be preserved, or if not, the approach to the design of its replacement.
8. Historic England (HE) is the advisor to the Government on matters relating to **the historic environment and its guidance "Traditional Windows – Their care, repair and upgrading" was first published in 2014. This guidance explains that** there is a major threat to the heritage from the loss of traditional windows and sets out a comprehensive approach to replacement windows. This HE guidance is an important material consideration.
9. The HE guidance states that an existing window in a listed building should only be replaced after it has been agreed with the conservation officer that it is truly beyond practical economic repair. I have no evidence before me that any such **agreement has been reached with the Council's conservation officer**, although I note that meetings have been held, including with a window renovation specialist. However, no notes or reports have been put before me. My site visit could only be a brief visual assessment of the historic value and condition

² Historic England

of the windows and does not substitute for a detailed examination of each window.

Front elevation

10. The Venetian window (W9, W10 and W11) dominates the entrance hall, and despite the later inserted staircase, this space still retains high architectural significance. The central sash is likely to be the only surviving sash from the early C18th, so has very high evidential and aesthetic value. The side sashes are likely to be later, possibly late 18th or early 19th century. Windows W3 and W4 are 2/2 vertical sliding sashes either side of the front door which have special historic interest as part of the 19th century phase. Their condition appears to be reasonable although repair or replacement of the cills may be necessary. The appellant has confirmed that the proposal now excludes all these windows.
11. Windows W1 and W2 are the replacement double glazed vertical sliding sashes approved in 2013³. These windows have been cited as the model for the replacement windows. In granting consent at the time, the Council accepted that the existing **windows, which were described as having "fine glazing bars"**, were beyond repair. However, the approved replacements have heavier details, which sets them apart from the existing historic windows. Even at some distance when approaching the building the eye can tell that these windows are modern, particularly due to the different reflective nature of the insulated glass units (IGUs). They are a discordant feature which has affected the overall architectural significance of the most important façade of the building. Whilst the window shutters and boxes have been retained, these windows fall well short of the precise replication which is necessary to achieve in order to preserve the listed building as required by the Act.
12. Windows W5 and W6 are 4/4 vertical sliding sashes. These have special historic interest as 19th century replacements and they have very slender lamb's tongue glazing bar profiles, different to those in W3 and W4. The lower sash of W5 has been poorly repaired in the past and may be beyond repair, but this needs further assessment. The cill is likely to need to be replaced. W6 seems in reasonable condition, but the cill may need replacement.
13. I was unable to see W7 or W8, but from the submitted photos, they do not appear to be beyond repair. The cill cannot be seen. W12 and W13 appear to be **new replacement windows with historically accurate fine lamb's tongue** detail for the glazing bars. Both these windows appear to have good cills and working shutters so their replacement on the grounds of their condition is not justified. Their value is aesthetic, as well-crafted replicas, and they retain the evidence of the previous windows for future generations.

South elevation

14. Window S1 has a lamb's tongue glazing bar profile with a fixed light over and could be attributed to the C19th phase of occupation. This window is therefore likely to contribute to the evolving history of the building. It may need local repair and redecoration. The unnumbered window between S1 and S2 is a casement, whose date needs to be established before replacement.

³ 13/00588/LA 17 July 2013

15. The two stone mullioned windows (S2 and S3) in the south elevation are notably different to the other windows and merit separate and special examination. Window S2 is a tripartite stone mullioned window with a mixture of direct bedded glass, slim timber and iron cross bars and iron frames. S3 is a cross mullioned window with three fixed lights consisting of glass bedded directly into the stone. The lower right hand quarter is a slim iron casement, now fixed shut, with leaf shaped turnbuckle and the remnants of a spigot for a **stay. This window is scheduled on the appellant's heritage statement to be retained, although it is listed for replacement on the separate list ("new windows for Church Hill House")**. Given my overall conclusions on these appeals I have not sought further clarification on this point.
16. These two stone mullioned windows are of considerable architectural interest and their provenance, including a date for the glass, has not been fully investigated. The alteration of these two windows would significantly harm the appearance of the stone mullions and would diminish their historic value. They are capable of careful repair and the use of an internal light weight or frameless secondary glazing system would achieve a reasonable improvement to their thermal performance.
17. S4 is a modern vertically sliding sash of no interest. S5 and S6 are small service windows higher up and I was unable to look more closely at these, but they are not likely to be historic.

Rear elevation

18. Window E1 is a pair of short French doors with an ovolo section, and so is likely to be modern. This window may have been a doorway in the past as evidenced by the arch over. Its replacement with a suitable alternative would not harm the significance of the building.
19. French doors E4, and glazed doors E3 and E2 have been approved, but they show the aesthetic disadvantages of the use of factory made and factory finished components, with bulky sub frames and thresholds and a curious over panel, which has affected the proportions of the whole window. The deep section double glazing, applied glazing bars and unsuitable modern ironmongery add to the discordant effect of these windows and in the light of current advice from Historic England, they should not be taken as an example to be followed elsewhere in this listed building.
20. Windows E5, E6 and E7 (first floor rear) are all historic windows with a slightly thicker lambs tongue detail. The cills may need repair/replacement but the sashes are in reasonable condition. The draught proofing may need refurbishment. I was unable to see E8.

North elevation

Windows N1, N2 and N3 are modern casements of no historic interest.

Attic dormer level (Appeal A)

21. The removal of the existing modern PVCU top hung dormer windows at front and rear is not at contention between the parties.

Conclusions on the removal of the existing windows

22. I therefore conclude that the majority of windows (with the exception of those I have listed above) are features of special architectural and historic interest and that they are likely to be capable of repair.

The proposed replacement windows

23. The appellant makes the case that the recent approval of the replacement windows in Flat 2 should set the standard for the rest of the windows in this building. The submitted documents include a set of full size details, (plans 100, 101, 102 and 1942-02). Existing glazing bar profiles have been drawn for windows E5, W8, W7 and S5 (a casement window) and plans 101 and 102 illustrate the variety of the different periods of historic windows in the building.
24. Plan 100 shows a lamb's tongue detail with 10mm IGUs and states that this is found on the approved replacement windows E2, E3 and E4 as well as W1 and W2. However the approved plans for these windows show 22mm IGUs, fixed by timber beading, with spiral balances and applied glazing bars. This plan also shows an integral glazing bar and states that this is proposed for W5 to W8 incl and W12, W13, E5 to E8, E1 and S1 and unnumbered window on south elevation. Some of these full size details are intended for record purposes, but they do not give a clear understanding of what is actually proposed.
25. A specific detail has been submitted for windows S5 and N2 (plan 1942.103). This indicates a 22mm double glazed factory made timber casement with surface applied glazing bars and a projecting cill. These details may reflect the approved details for Flat 2, but the use of 22mm IGUs with a highly visible edge seals, applied glazing bars, the use of timber beads rather than putty and the standard factory made projecting cill detail would not give the level of authenticity of detail necessary to preserve this listed building.
26. Notwithstanding that I have not accepted the case for the removal of the windows, the use of a standardised detail for all the windows, whether with an integrated glazing bar or an applied glazing bar, would result in the loss of a **great deal of historic evidence about the building's evolution. This would harm** the significance of the building.
27. With reference to the proposed replacement windows at dormer level⁴, the design of the replacement windows as 4/8 vertical sliding sashes has not been justified by in depth research. Whilst it is possible that these windows may have been vertical sliding sashes, due to the proximity of the parapet, this is not proven and the 1905 photo shows a four light side opening arrangement over the top of the unbroken parapet. The Council has indicated that this photo could form the basis for a replacement design. However, further research, especially to find old photos or sketches, is necessary before this design approach can be accepted. This unresolved but important matter could not be the subject of a condition.
28. The appellant makes the case that as the proposed new attic windows would be an improvement over the existing windows, this would satisfy the requirements of the Act. However, these replacement windows would still fall far short of the accurate historic detailing required to preserve the historic significance of this highly graded listed building. Whilst I accept that at this height, the use of a slim profile IGU would not be discernable, the parapet has been lowered in

⁴ W14, W15 and W16 front elevation and E9, E10 and E11 rear elevation.

front of the dormer windows at the front and so these windows would be more visible than before and they would be seen at close quarters from inside. The proposed profiles are excessively bulky and the applied glazing bars lack authenticity.

Conclusions on the replacement windows

29. I therefore conclude that the proposed replacement windows would fail to preserve the listed building as required by the Act.

Discussion

30. A clear understanding of the historical value and condition of each individual window is necessary before its loss can be justified. My own observations were brief and restricted by lack of access, but they confirm that most of the windows, with the exception of the attic dormer windows and others I have listed, are historic, although not from the earliest phase of building.

31. The appellant feels that it is not logical to deny permission for the rest of the window replacements, given that the Council has approved the removal of similar windows in Flat 2. An email string relating to an enforcement investigation of the windows installed in Flat 2 has been put before me. In an email dated 5 February 2015 the Council draws attention to the new guidance from English Heritage. However, the email also states that the Council **considers that the windows, subject to the removal of a plastic moulding, "are acceptable". It goes on to say that "As such with the correct assistance and guidance you should be able to make a successful application for the 7 windows at first floor". I have taken this latter reference to mean all the windows at first floor level at the front.**

32. This advice does not appear to have been given in the light of a clear understanding of the historic value of the existing windows through research into the history of the building or an assessment of their condition. I cannot therefore place weight on the advice given to the appellant or on the fact that some replacement windows have been approved. As I have explained, the Historic England advice now sets out the technical guidance on these matters and is a key material consideration.

33. The appellant is concerned that the poor condition of the windows is affecting the stone surrounds. This decay is particularly noticeable at windows S2 and S3 (the stone mullioned windows). However the decay of the stonework is likely to be the result of a combination of factors and the misguided application of impermeable coatings in the past has not helped. Specialist advice on the repair of the stonework should be sought.

Conclusions

34. Notwithstanding the omission of the Venetian window (windows W3, W4, W9, W10 and W11) from the proposal and the likely retention of windows S3 and S4, I have concluded that the unjustified removal of the remaining existing historic windows in the facades would result in the loss of architectural and historic features of the building. The requirements of the Act have not therefore been satisfied.

35. The replacement of these historic windows with a standardised detail would not replicate the delicate details of the existing windows or reflect the traditional

- character of historic joinery and this would harm the significance of the listed building.
36. Whilst the replacement of the existing attic dormer windows would not harm the listed building, the design of the proposed replacement windows has not been justified by thorough research. It has not therefore been clearly established that the proposed design would preserve the listed building.
37. The cumulative impact of the unjustified loss of historic windows or historically correct replacement windows and their replacement by windows with standardised and inappropriate details would result in close to substantial harm to the listed building. However, the removal of a number of windows from the proposal has reduced the level of harm to less than substantial.
38. Paragraph 134 of the National Planning Policy Framework, requires me to balance the harm I have identified to the listed building against any public benefit arising from the proposals.
39. The Historic England advice sets out the growing body of scientific research which indicates that unsophisticated low cost measures to upgrade the thermal performance of traditional windows can be just as effective in reducing heat loss as their wholesale replacement. Efforts to tackle climate change through more efficient use of energy are vitally important, but I am not persuaded that this proposal would make a significant difference to the overall thermal performance of the building when compared to other measures, such as secondary glazing and the use of shutters, draught-proofing and thermal curtains. I cannot therefore conclude that there would be any significant public benefits arising from this proposal.
40. For the reasons given above I conclude that the appeals should fail.

Jacqueline Wilkinson

INSPECTOR