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# Appeal Decision

Site visit made on 13 December 2016

**by J J Evans BA (Hons) MA MRTPI**

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

**Decision date: 03 January 2017**

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**Appeal Ref: APP/C1625/Y/16/3160343**

**Spring Cottage, 5 Broadwell, Dursley, Gloucestershire GL11 4JE**

- 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 Ms Anezka Leslie against the decision of Stroud District Council.
  - The application Ref 16/0398/LBC, received by the Council on the 24 February 2016, was refused by notice dated 6 June 2016.
  - The works proposed are **described as** "the removal of existing [9] rotten softwood windows (approximately 30 years old) to be replaced with hardwood slim line double glazing".
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. 5 Broadwell is a grade II listed building within a listed terrace of houses within the Dursley Conservation Area. As required by Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
  3. The declaration on the application form was neither signed nor dated. The Council have registered and determined the application, with the decision notice referring to an application date of the 24 February 2016. I have referred to this date above.
  4. The application description cited the removal of seven rotten softwood windows, although **on the Council's decision notice the works** were described as to "**replace 9 no. softwood windows with hardwood double glazed slimline units**". The application was not supported with drawings of either the existing or proposed windows. The main parties were asked to confirm how many windows were to be replaced, and of the responses received the Council have confirmed the application was considered on the basis of the replacement of nine not seven windows. I have determined the appeal on that basis and referred to the replacement of nine windows above as this more accurately describes the appeal proposal.
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## **Main Issue**

5. The main issue is whether the proposed replacement windows would preserve a grade II listed building and any features of special architectural or historic interest that it possesses, and linked to that whether the proposal would preserve or enhance the character or appearance of the Dursley Conservation Area.

## **Reasons**

6. 5 Broadwell is a two storey house positioned within a short terrace of listed buildings in the Dursley Conservation Area close to the town centre. Constructed of coursed rubble stone, No 5 bridges a passageway that links Silver Street to the churchyard. It is one of a number of historic buildings close to the church. The decorative form of the fenestration of 6 Broadwell provides evidence of its former religious connections. Attached to the northern side of the appeal property is a large double fronted house. Together these terraced houses contribute towards the attractive historic character and appearance of the conservation area.
7. The simplicity of the form of No 5 and the use of traditional local materials is part of the special interest of this listed building, as is its modest size and its relationship and connections to the other buildings in the terrace. As such the appeal property makes a positive contribution to the character and appearance of the area. Although there are modern softwood windows to the front and rear of No 5, they have a plain, discreet appearance, and do not detract from the simple form of the house.
8. It was apparent from my visit that some of the existing windows had been repaired, and some were showing signs of decay. However, the replacement of all the windows with double glazed ones would have a harmfully modern appearance, very different to the simple form of the existing windows. Whatever the colour of the spacers used in the units, they would be visible and the double register of the panes of glass would be noticeably apparent. The windows would be clearly identified as non-traditional modern fixtures to the building, at odds with its historic character and appearance and that of the other houses in the terrace.
9. The Council have pointed out that the style of the windows, including the use of applied rather than functional glazing bars, would have a conspicuous modern appearance. In the absence of any drawings to ascertain the detail of the proposed windows I have to take a cautious approach, and agree that such features would exaggerate the harm I have found.
10. The appellant has discounted the provision of secondary glazing due to the ceiling shape. I accept standard secondary units would not fit some of the windows, but they could be constructed on a bespoke basis to fit. Taken as a whole the proposed windows would have an overtly modern appearance that would unacceptably draw the eye, harmfully detracting from the historic cohesion of the terrace and eroding the special interest of a listed building.
11. The National Planning Policy Framework (the Framework) requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The replacement windows would result in less

than substantial harm due to their relatively small size compared to that of the house as a whole.

12. The appellant considers double glazed units would reduce noise disturbance, and provide security and health benefits. There is also local support for the proposal as the windows would improve the **property's energy efficiency**. Be that as it may, the property is bounded by two public rights of way, and as such there would be disturbance to the occupiers of the appeal property due to this positioning even with the provision of double glazing. From the evidence provided by the appellant there are likely to be other causes for the damp. Nor has it been conclusively established that the damp is occurring solely as a result of the existing windows or that double glazed units would significantly improve the situation. Moreover, I agree with the Council that double glazing can exacerbate condensation by causing a seal. The provision of double glazed windows would have a limited public benefit in the form of energy efficiency, but the effect would be modest and the other benefits cited would be personal to the appellant. This limited public benefit would not outweigh the harm I have found.
13. The Framework requires that when considering the impact of proposed development on the significance of a designated heritage asset, great weight **should be given to the asset's conservation**. **This applies even where there is** local support for a scheme as the Act requires the preservation of a listed building or its setting or any features of special architectural or historic interest which it possesses in all cases.
14. Thus, for the reasons given above, I have found that the proposal would not preserve a grade II listed building and its special interest, and would harm the historic character and appearance of the conservation area and that of the setting of other listed buildings nearby. The proposal would therefore fail to accord with the statutory duties of the Act and the historic objectives of the Framework.

### **Conclusion**

15. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR