

---

## Appeal Decisions

Hearing held on 10 February 2015

Site visit made on 10 February 2015

**by Nigel Harrison BA (Hons) MRTPI**

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

**Decision date: 26 February 2015**

---

### **Appeal A: Ref: APP/Y2810/A/14/2228857**

#### **First Light Photographic, 3 High Street, Daventry, NN11 4BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Dawn Branigan against the decision of Daventry District Council.
  - The application Ref: DA/2014/0115 dated 21 October 2013, was refused by notice dated 14 May 2014.
  - The development proposed is "removal of modern concrete render to expose original 15<sup>th</sup> century timber framing and associated repairs. Replacement of modern upvc windows with two timber oriels based upon archaeological evidence".
- 

### **Appeal B: Ref: APP/Y2810/E/14/2228865**

#### **First Light Photographic, 3 High Street, Daventry, NN11 4BG**

- 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 Dawn Branigan against the decision of Daventry District Council.
  - The application Ref: DA/2014/0116 dated 21 October 2013, was refused by notice dated 14 May 2014.
  - The works proposed are "removal of modern concrete render to expose original 15<sup>th</sup> century timber framing and associated repairs. Replacement of modern upvc windows with two timber oriels based upon archaeological evidence".
- 

## Decisions

1. **Appeal A is allowed** and planning permission is granted for removal of modern concrete render to expose original 15<sup>th</sup> century timber framing and associated repairs. Replacement of modern upvc windows with two timber oriels based upon archaeological evidence at First Light Photographic, 3 High Street, Daventry, NN11 4BG in accordance with the terms of the application, Ref: DA/2014/0115 dated 21 October 2013, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B is allowed** and listed building consent is granted for removal of modern concrete render to expose original 15<sup>th</sup> century timber framing and associated repairs. Replacement of modern upvc windows with two timber oriels based upon archaeological evidence at First Light Photographic, 3 High Street, Daventry, NN11 4BG in accordance with the terms of the application, Ref: DA/2014/0116 dated 21 October 2013, subject to the conditions set out in the Schedule attached to this decision.

### **Application for Costs**

3. At the Hearing an application for costs was made by Ms Dawn Branigan against Daventry District Council. This application is the subject of a separate Decision.

### **Procedural Matter**

4. After the applications were determined, and as part of the appeal process, the appellant submitted new drawings for consideration<sup>1</sup> showing alternative designs for the proposed replacement windows. Having canvassed the views of the main parties at the Hearing, I am satisfied that the interests of third parties would not be prejudiced by these changes in detail, and I have considered the appeals on this basis.

### **Main Issue**

5. I consider the main issue in these appeals is the effect of the proposed development and works on the special architectural and historic interest of the Grade II listed building, and on the character and appearance of the Daventry Conservation Area.

### **Reasons**

6. The appeal property is used as a photography shop at ground floor level with a photographer's studio and storage above. The list entry denotes that it was originally built as a town house in the 15<sup>th</sup> century, with the front façade being rendered and whitewashed over a timber frame. The roof is of two and a half bays, and the structure has cambered tie-beam trusses with two tiers of through purlins and curved wind braces. A very unusual feature of the roof structure is the combination of King and Queen posts. The roof space also contains close-studded framing on the upper part of the front wall and west gable. The survival of so much of the structure of a 15<sup>th</sup> century building in an urban setting contributes greatly to the building's special architectural and historic interest and its significance as a heritage asset.
7. The building lies within the Daventry Conservation Area, which has a high density of listed buildings and other buildings which contribute positively to its character and appearance. Whilst the majority of buildings appear outwardly Georgian or Victorian, many (including No 3) have later facades of stone, brick or render. However, there are a number of modern buildings in the High Street, not all of them sympathetic to the Conservation Area's character and appearance. There is no overall conformity to the High Street, but that is part of its charm and appeal.
8. Planning and listed building consent is sought for an extensive programme of repairs including removal of render from the upper storey to reveal the exposed 15<sup>th</sup> century timber frame and infill panels, the repair and reinstatement of lost timbers from the frame, and the replacement of the modern first floor windows with two projecting oriel windows. The Council, English Heritage (EH), and the Society for the Protection of Ancient Buildings (SPAB), are all in agreement that the comprehensive scheme of repairs to the timber frame is necessary to prevent further deterioration of historically significant fabric and to secure the building's long term future, and I find no

---

<sup>1</sup> Drawing Nos A/240 A1 (windows existing face mortices and existing chamfers); A/242 A1 (windows-alternative type A oriels); A/243 A1 (windows alternative type B planted); A/244 A1 (windows alternative type C recessed)

reason to disagree. It is the other elements of the overall scheme that are in dispute. Namely the proposal to removal the existing modern cement render to reveal the timber frame externally, and the proposed 'oriel' style windows.

9. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72(1) states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, Paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of a heritage asset, and any harm to their significance should require clear and convincing justification.
10. In 2014 the *West Midlands Joint Core Strategy* (CS) was adopted and this replaced some of the saved policies of the *Daventry District Local Plan 2007* (LP). The CS and remaining saved LP policies comprise the Development Plan. LP Policy EN2 requires development to reflect the general architectural character of the existing building, for buildings to be closely related to the character of the conservation area in scale, for traditional materials to be used, and for the alteration and repair of buildings to be sympathetic to the character and appearance of the building and conservation area. LP Policy GN2 seeks to ensure (criterion A) that the scale and design of development is in keeping with the locality, and (criterion E) that it will not adversely affect a conservation area, listed building, or its setting.
11. As there is currently no proposal before me to alter the appearance of the shop front, neither LP Policy EN3 relating to shop fronts nor the *Daventry Conservation Area Shop Fronts Design Guide* (SPG) is of direct relevance.
12. Section 12 of Framework sets out the approach to conserving and enhancing the historic environment, two of its core principles being to seek high quality design and conserve heritage assets in a manner appropriate to their significance. Paragraph 129 advises local planning authorities considering the impact of a proposal on a heritage asset to take into account the particular significance of the asset, and to avoid or minimise conflict between the asset's conservation and any aspect of the proposal. Paragraph 132 says when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. As stated above, there are two main areas of dispute between the parties. Firstly, the proposal to expose the original timber frame; and secondly, the design and form of the proposed replacement windows, and the effect this would have on the special architectural and historic interest of the listed building and the character and appearance of the Conservation Area.

#### *Exposure of timber frame*

14. The Council considers the proposed treatment of the front elevation would not be sympathetic to the special interest of the building, the character or appearance of the conservation area, or the setting of nearby listed buildings. EH has confirmed the significance of the timber frame, adding that removal of the 20<sup>th</sup> century cement render could be beneficial to the health and special interest of the building. On the other hand, SPAB have expressed concerns about how the timber frame would respond to the weather if left unprotected,

saying there may be sound technical reasons to consider rendering it again, albeit using a traditional breathable lime-based render.

15. I have carefully considered the views put forward by the various parties, and it is clear to me that any solution that attempts to deal with all the current structural problems of the building, its chequered history, and changing appearance over the centuries, is likely to require compromise and a degree of pragmatism. There is no dispute from the evidence of the decorative details and exposed joints and chamfers of the timber that the frame was originally designed to be exposed, and to my mind the proposal presents an opportunity to reveal the original timber frame structure and allow its full significance to be appreciated. Paragraph 137 of the Framework says local planning authorities should look for opportunities for new development to enhance or better reveal the significance of heritage assets. In terms of allowing the timber frame to be viewed again, I consider the appeal proposal meets these objectives.
16. The Council's opinion is that the front elevation should be covered with a lime-based render to approximate to its appearance in Georgian, Victorian and later periods, suggesting this is perhaps the most appropriate solution. However, such a proposal is not part of the appellant's proposals. On balance, I consider that exposing the timber frame would not necessarily draw attention to the building or be at odds with the harmonious appearance of the rest of the street. Even if it did, this in itself would not necessarily be harmful, as the restored timber frame would add interest and variety to the street scene and complement the rich variety of buildings and architectural styles found in the Conservation Area. Nor do I consider it would be harmful to the setting of other nearby listed buildings such as Holy Cross Church, the Moot Hall, and the Burton Memorial.
17. The Council also raised concerns that the appearance of the repaired frame would have an unsightly patched quality. However, the entire façade and infill panels would be painted over with lime wash, a traditional and authentic treatment, and this would serve to disguise the juxtaposition of old and new timbers. It would also afford a degree of protection from the weather, and facilitate easy access for future repairs should these prove necessary in the longer term. Overall, I am satisfied that the proposal to repair and reveal the historic timber frame is a valid and acceptable conservation approach that would better reveal the most significant feature of this Grade II listed building.

#### *Replacement windows*

18. The Council acknowledges the findings of the archaeological survey, which appear to suggest that some form of external window frames were at one time attached to the front of the timber frame. However, it considers that the archaeological evidence is not in itself sufficient to justify the proposal to construct two projecting oriel style windows. In support of this stance, EH say that any attempt to recreate oriels would only be appropriate in the context of a comprehensive and scholarly restoration to restore the entire building to its correct 15<sup>th</sup> century proportions, composition, and appearance. SPAB, whilst acknowledging that there may originally have been oriels, say their exact form and details cannot be fully known, adding that other interpretations of the evidence could be put forward.
19. The Council's preferred option, supported by EH, is based on the building's appearance in the late 19<sup>th</sup> century, based on photographic evidence showing

- tripartite sash windows in the same openings as the present day windows. Both the Council and EN consider that inserting replicas of the later window design for which the altered apertures were intended would be a much less conjectural solution, and more in keeping with the building's evolution. However, the appellant contends that this could not be possible if full restoration of the historic timber frame is to be achieved, as replacing two of the original timbers removed in the 18<sup>th</sup> century would bisect the apertures.
20. SPAB put forward another option, suggesting an appropriate answer might be to insert sensitively designed new windows responding to the architectural language of the timber frame, without necessarily replicating a historic precedent. They believe the most honest approach would be to allow the building to evolve and add a new 21<sup>st</sup> century layer to its history with the current project, in order not to give the false impression of a past long gone.
21. In an attempt to allay some of the above concerns, the appellant put forward three alternative window designs for consideration although makes it clear that the oriel design originally proposed remains the preferred option. Alternative A)<sup>2</sup> shows a slightly simplified version of the oriel originally proposed, but without the latticed leaded lights; alternative B)<sup>3</sup> shows pairs of casement windows 'planted' outside the timber frame; and alternative C)<sup>4</sup> shows pairs of casement windows set between the restored vertical timbers. This wide range of opinions reflects the many different approaches, all of them valid in different ways, to the restoration of a historic building. However, it is clear to me that here too, a degree of compromise will be required.
22. Although superseded by the Framework, the accompanying practice guide to the former PPS5: '*Planning for the Historic Environment*' remains a valid and Government endorsed document. It states that restoration of listed buildings is likely to be acceptable if the significance of the elements that would be restored outweighs the significance of those that would be lost, if the works proposed are justified by compelling evidence of the evolution of the heritage asset, and if the works proposed respect previous forms of the heritage asset.
23. Having carefully weighed all the evidence, I am satisfied that the proposal to install oriel windows is reasonably informed by the conclusions of the archaeological evidence and represents an acceptable design solution that would preserve the significance of the listed building. Although the design is to a large extent conjectural, I am not convinced that the installation of replica 19<sup>th</sup> century windows to reflect one particular period in the building's history would be any more valid or convincing. Nor would it enable full restoration of the timber frame to its original structural form. Therefore, on balance, I consider the alternative version of the oriel window as shown in Drawing No A/242/A1, with less elaborate glazing, represents an acceptable and appropriate solution in this case.

### *Summary*

24. Taking all these matters together, I conclude that the proposed development and works would preserve the special architectural and historic interest of this Grade II listed building. For the same reasons, I consider the character and

---

<sup>2</sup> Plan No: A/242/A1

<sup>3</sup> Plan No: A/243/A1

<sup>4</sup> Plan No: A/244/A1

appearance of this part of the Daventry Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with saved LP Policies EN2 and GN2, and the provisions of the Framework.

*Conditions*

25. I have considered the conditions put forward by the Council in the light of the advice in the Government's *Planning Practice Guidance*. Conditions are needed for both appeals to secure compliance with the submitted (and revised) plans in the interests of proper planning. Conditions requiring the approval of materials, the submission and approval of detailed construction drawings, for all existing fabric to be retained (unless noted otherwise in the approved drawings), and the requirement for a full archaeological investigation are all needed to safeguard the special architectural and historic interest of the building. However, the suggested condition requiring details of the shop front and signage to be submitted and approved is not justified in my view, as works to the shop front do not comprise part of the scheme.

*Conclusion*

26. Therefore, for the reasons given above and taking into account all other matters raised, including the petition in support of the proposal, I conclude that both appeals should be allowed.

*Nigel Harrison*

INSPECTOR

**Schedule of Conditions: Appeal A: APP/Y2810/A/14/2228857**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, except in respect of the detail showing the latticed leaded lights shown on plan Nos A/205/A and A/231/A:
  - A/109/A; A/111/A; A/112/A; A/113/A; A/114/A; A/121/A; A/122/A; A/123/A; A/124/A; A/125/A; A/126/A; A/203/A; A/204/A; A/205/A; A/211/A; A/212/A; A/213/A; A/214/A; A/217/A; A/219/A; A/231/A and A/242/A1 (Windows: Alternative type A Oriels)

**Schedule of Conditions: Appeal B: APP/Y2810/E/14/2228865**

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans, except in respect of the detail showing the latticed leaded lights shown on plan Nos A/205/A and A/231/A:
  - A/109/A; A/111/A; A/112/A; A/113/A; A/114A; A/121/A; A/122/A; A/123/A; A/124/A; A/125/A; A/126/A; A/203/A; A/204/A; A/205/A; A/211/A; A/212/A; A/213/A; A/214/A; A/217/A; A/219/A; A/231/A and A/242/A1 (Windows: Alternative type A Oriels)
- 3) All repairs to the historic timber frame shall be carried out by appropriate specialists used to working with buildings of this age, type and condition, and executed in accordance with the plans and schedules hereby approved. Should it become necessary to carry out repairs that differ significantly from the approved plans, or make changes to the approved designs, full details shall be submitted to and approved in writing by the local planning authority before works are commenced. All works shall then be carried out strictly in accordance with the approved details.
- 4) All existing fabric shall be retained unless notated otherwise in the drawings approved under this consent.
- 5) No works shall take place until detailed drawings and samples of the materials to be used in respect of the following have been submitted to and approved in writing by the local planning authority before the relevant part of the works are begun. The works shall be carried out in accordance with the approved details.
  - (i) Representative samples of new and replacement materials to be used in the restoration of the timber frame.
  - (ii) Fully detailed constructional details of the oriel windows hereby approved (Alternative type A as indicated on approved plan No A242/A1).
  - (iii) Full details of the materials, finishes, and method of application of the infill panels, and insulation to be installed within the timber frame. These should be natural materials with vapour-permeable finishes.
  - (iv) Details of the colour finish of the lime wash to be applied to the exposed timber, and the colour finish of the infill panels within the timber frame.
- 6) No works shall commence on site until the appellant, her agent, or successors in title have secured the implementation of a programme of archaeological investigation for the purpose of recording any new evidence or features of significance discovered during the approved fabric repairs. The recording shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

## **APPEARANCES**

### FOR THE APPELLANT:

Dawn Branigan  
David Warren

The Appellant  
Jacobs

### FOR THE LOCAL PLANNING AUTHORITY:

Rachel Booth  
Iain Cameron

Conservation Officer: Daventry District Council  
Planning Officer: Daventry District Council

### INTERESTED PERSONS:

Chris Over

Ward Councillor: Daventry District Council



If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@HistoricEngland.org.uk](mailto:customers@HistoricEngland.org.uk)