
Appeal Decision

Site visit made on 31 March 2015

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 27 May 2015

Appeal Ref: APP/F0114/Y/15/3002195
5 Brookleaze Buildings, Bath BA1 6RA

- 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 Kevin Stevens against the decision of Bath and North East Somerset Council.
 - The application Ref 14/04815/LBA, dated 21 October 2014, was refused by notice dated 16 December 2014.
 - The works proposed are a replacement entrance door and windows.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed windows in the first floor of the front elevation of the appeal property. The appeal is allowed insofar as it relates to the proposed replacement front door and first floor rear windows. Listed building consent is granted as regards the replacement front entrance door and the replacement first floor rear windows at 5 Brookleaze Buildings, Bath BA1 6RA, in accordance with the terms of the application Ref 14/04815/LBA, dated 21 October 2014, so far as relevant to that part of the development hereby permitted and the plans submitted with it, and subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than three years from the date of this decision;
 - 2) The works hereby authorised shall be carried out in accordance with the following approved plans: 322.01A; 322.02A; 322.03A; and 322.04A.

Procedural Matter

2. 5 Brookleaze Buildings is a grade II listed building that lies within a listed terrace in the Bath Conservation Area. As required by Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the 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 the conservation area.

Main Issue

3. The main issue is whether the replacement entrance door and windows would preserve the special architectural or historic interest of the grade II listed house and terrace and linked to that, whether they would preserve or enhance

the character or appearance of the Bath Conservation Area and the outstanding value of the Bath World Heritage Site.

Reasons

4. 5 Brookleaze Buildings is a two storey house within a mostly residential area. No 5 is close to the end of a long terrace of similar sized and styled houses that gently step up a hill. Brookleaze Buildings were built around 1830. Although many of the houses have been much changed to the rear, including some with large extensions, the front of the terrace is essentially unaltered, and forms a cohesive linear row within the area. The houses are of comparable widths, with either one or two bays, and have mostly wooden multiple pane or plate glass plain sashes. Some of the houses have retained their original front doors, which comprise timber four panels with small rectangular windows above. The similar sized and styled houses, and the length of the terrace, make it a distinct and attractive feature of the area.
5. No 5 has aluminium windows to the front and rear, and a glazed front aluminium door. Despite this, the similarity of the house to the others in the terrace as regards size and design, including the positioning of the windows and front door within the front elevation, contributes to the uniform rhythm of the terrace, and are important elements of its special interest and significance. The houses in the row are an example of a Georgian artisans' terrace that contributes to the character and appearance of the conservation area and the value of the World Heritage Site (WHS).
6. The proposed replacement windows to the first floor of the front and rear of the building would be painted timber six/six sashes, with slimline double glazing. The new painted timber front door would be of a similar design to the historic doors found within the terrace. The Council have raised no objection to the proposed new front door, considering it an improvement over the existing metal door. Nor do they raise objection to the installation of the proposed double glazed timber sashes on the first floor of the rear of the house. From the evidence before me, I have no reason to disagree with these views. The proposed windows would not harm the significantly altered rears of either the appeal property or the terrace, including as they do a variety of modern window styles and glazing types. The design and materials of the proposed front door and rear windows would be more sympathetic to the historic form and fabric of the house than the existing ones, and would not unacceptably harm the special interest of the listed building.
7. However, the provision of double glazed units to the front elevation would be an incongruous and harmful addition to the building. Whilst there are a variety of window designs in the front elevation of the terrace, most are single glazed, and the proposed ones would be a detrimental contrast to them. Even with the narrow profile of the units, the proposed windows would have a reflective double image that would unacceptably harm the special interest of this listed building. This would be an incongruous feature within the uniformity of the front of the terrace, unacceptably harmful to these historic buildings and the character and appearance of the conservation area and WHS.
8. The appellant has pointed out the variety of window types with differing thicknesses of glazing bars within the terrace, and that the secondary glazing suggested by the Council would have a similar double imaging effect. However, very few of the windows in the front elevations of the houses near

the appeal property are double glazed, and the adverse impact of the appeal proposal would thus be harmfully exaggerated.

9. I note a report for double glazing in listed buildings in Edinburgh and the reference in the Council's "Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings" (2013) to slim-profile double glazed units being supported in listed buildings where they replace modern windows. However, this is caveated to ensure that the special architectural or historic interest of the building is retained, including the sense of unity that occurs within a terrace. In this instance I have found this would not be the case. Although the proposed timber sashes would be an improvement on the existing aluminium windows, this would not outweigh the harm of the double glazed windows to the listed building and the terrace, or to the conservation area and WHS.
10. I appreciate the proposal has local support, including from the Bath Preservation Trust, and that there are other examples of listed buildings that have had double glazed windows installed in them. However, I do not have the planning history of these properties before me. Moreover, the Council have expressed concern that the proposed windows would set a precedent. Whilst each application and appeal must be treated on its individual merits, I can appreciate that approval of this proposal could be used in support of similar schemes. This is not a generalised concern of a precedent, but a realistic and specific view as regards the terrace. Allowing double glazed windows to the front of the building would make it more difficult to resist further applications for similar works, and I consider that the cumulative effect on the terrace would exacerbate the harm which I have found and described above.
11. The National Planning Policy Framework (the Framework), advises that where a proposal would cause 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 proposed windows would cause less than substantial harm due to their relatively small size compared to that of the listed building and the conservation area. I have taken into account the appellant's desire to improve the energy efficiency of the property, and reduce condensation. Whilst this would be of some public benefit, the effect would be modest and would not outweigh the harm I have found.
12. The Framework advises 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. For the reasons given above, I have found that the proposed replacement windows to the front elevation would not preserve the grade II listed building and its special interest, and thus would conflict with the aims of the Framework. Nor would the proposed front windows preserve the settings of the other listed houses in the terrace, or the character and appearance of the conservation area and the value of the WHS.

Other Matters

13. Concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the merits of the case.

Conditions

14. The Council have not suggested any conditions. Notwithstanding this, I have imposed the standard condition time condition, and one requiring the authorised works to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.

Conclusion

15. The scheme involves a number of different elements that are physically and functionally independent. In this respect I find the proposed replacement front door and replacement windows to the first floor of the rear of the building to be acceptable and clearly severable from the replacement windows to the first floor of the front elevation. Therefore I propose to issue a split decision in this case and grant listed building consent for the new rear windows and the front door, but dismiss the appeal insofar as it relates to replacement windows to the first floor of the property's front elevation.
16. For the reasons given above, and having considered all other matters raised, the appeal is part allowed and part dismissed.

J J Evans

INSPECTOR

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