Wiltshire Council Planning Consultation Response

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Officer's Title: Planning Officer

Application No: **PL/2023/06396 (LBC) and PL/2023/10310 (PP)**
Storm proof, slim lined double glazing windows with soft wood to be replaced with like for like storm proof slim line double glazing hard wood windows.
13 Hill Street Court, Hill Street, Trowbridge

Please find following comments in respect of the above application(s).

Recommendations:

	No comment
	Support in principle subject to amendments to the scheme (as set out below)
	Support subject to conditions (as set out below)
X	Object (for reasons set out below)
	No objections

Scope of comments: the following comments relate to the built historic environment.

Policy: From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that **special regard** be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Historic England

Site and assets considered:

Proposal: The description of development has been phrased to suggest that the works will be completed in the future but so far as I am aware the application seeks consent to retain storm-proof double glazed hard wood windows which have already been installed.

Relevant planning history:
W/99/00707/FUL - Conversion to 24 flats and use of roller blade arena as warehouse and shop
W/99/00708/LBC - Conversion, demolition and alteration of existing building to 24 single person starter flats
W/04/00289/FUL Alterations to form two additional flats
W/04/00290/LBC - Proposed alterations to form two additional flats
W/04/01209/FUL Revised proposals to form three additional 1 bed flats
W/04/01210/LBC Alterations to form three additional 1 bed flats

PL/2022/08244 - 12 Hill Street Court An adjacent flat within the same building) – 8 replacement windows (approved)

Issues: impact on the listed building, impact on the setting of neighbouring listed buildings, impact on the conservation area.

Information considered/provided: Paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, whilst the applications are accompanied by a very basic “Design, Access and Heritage Statement” the document provides no information about the building and fails to provide any objective assessment of the fabric affected, its date or significance or of the impact of the proposals and, as a result, it fails to meet the requirements of the NPPF.

However, paragraph 201 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Assessment: Site: the property in question is an apartment within a larger building which is listed at grade II. The rear ranges (in which this property lies) date from the 17th and 18th centuries, largely in brick with stone mullioned windows. These ranges lie to the rear of and attached to a separately listed (Grade II) early C19 building (separately listed) which fronts the roadside and was constructed for one of the wealthy clothiers for which this part of the town was notable. The building housed offices and warehouses during the C20 but was converted to residential use in the early 2000s.

Assessment: The special interest of the building lies with its overall architectural character, including its use of vernacular design and traditional local materials and also with its association with the important cloth trade within the town. The flat is to the rear of the building, accessed from a private drive and car park. The impact of the proposals on the wider conservation area is limited.

The building was converted c.2004 when approval was granted for the replacement of the majority windows were replaced in a uniform scheme with well-detailed traditional flush fitting single glazed timber casement windows – some of the openings may also have been new at that time. No evidence has been provided to support the assertion that the windows in this flat were different from other authorised windows within the development and there has been no intervening applications for consent relating to this property. The windows introduced in 2004 are appropriate to the building and enhance the significance of the building via their reinstatement of a coherent approach to the whole.

It is, however, clear that the management regime has been insufficient in the years since. As the windows have already been replaced not only is it impossible to assess the design of the previous windows, it is also unclear what the condition they were in although it is noted that some at higher level within the development are in poor condition.

Ideally, the windows in such a building would be retained and upgraded or replaced in like for like style to preserve the coherence of the whole building – however, it is clear that maintenance is an issue in these managed flats and that many of the windows will be coming up for replacement over the next few years. It is also the case that the existing windows are modern and have no intrinsic historic interest and that the flats are modestly scaled and energy efficiency and affordability will be a concern for many of the home owners. On this basis, when dealing with an application in a neighbouring flat (PL/2022/07870) replacement windows were approved which incorporated double glazed units. However, these windows were well designed with slimmer than usual double glazed units and traditional flush profiles and without additional mouldings such that they would mirror the appearance of other remaining windows in the block and maintain the harmony of the whole.

In this case, no evidence has been provided that the previous windows in the flat were any different from others in the development or that they featured non-traditional detailing. The new windows are standard double-glazed units with non-traditional storm-proof profiles and additional drip moulds which have led to a loss of authenticity in the appearance of the windows and which are, visually, at odds with other remaining traditional windows within the building as well as with the new windows approved at No.12. The replacement of authentically designed, albeit modern, windows and the visual disparity created with other windows within a building where the uniformity of its appearance forms part of its special interest, have harmed the significance of the building.

Summary & conclusion: The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals have resulted in harm to the building via the loss of windows of appropriate traditional design and detailing, albeit modern, and by the visual anomaly with other parts of the building which has been introduced. As the works have involved only a small part of the building they should be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF, but this does not mean that they should be seen as being of lesser consequence. Indeed, the wording of the NPPF and the 'special regard' by Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously. In this case, the continuation of such piecemeal works to replace windows using similarly inappropriate designs has the potential, cumulatively, to have a significant impact on the appearance of the building.

Paragraph 208 does allow that a level of harm may be offset by public benefits and the need to improve thermal and energy efficiency within existing buildings is acknowledged as being something that it is in the public interest to achieve. However, it has not been demonstrated that the same benefits in terms of increased thermal efficiency could not equally well be achieved in a more appropriate manner using more traditionally designed windows, as they have been at the adjacent flat. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I recommend refusal.

A refusal reason might be along the lines of:
The application seeks consent to retain replacement windows within one flat within a larger development which is housed within a listed building. The new windows, by virtue of their use of standard double-glazed units featuring non-traditional stormproof profiles and additional drip mouldings have involved a change that has altered the appearance of the windows and introduced a discordant note with other windows when the building is viewed as a whole. No evidence has been supplied to indicate that the previous windows did not match previous windows or that alternative, more traditional, designs which would limit the visual disparity

with neighbouring areas of the building were not available for the replacement and the harm is considered not to be justified.

The works have resulted in harm to the listed building which has not been justified. The works are therefore considered to be contrary to Section 16 and 66 (as appropriate) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and Core Policy 58.

The impact on the wider conservation area will be limited and I would not expect this to form a reason for refusal.