CASE OFFICER'S REPORT

Application Reference:	PL/2023/09548
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	14 December 2023
Case officer:	Samantha Stockley

Site Address:	96 Gloucester Road, Malmesbury, SN16 0AL
Proposal:	Install 4 replacement windows to property.
Recommendation:	Refuse

SITE DISCRIPTION

The site is located within the defined settlement boundary of Malmesbury, identified as a Market Town.

96 Gloucester Road is a late 18th century house with 19th century rear wing and attached barn. It is two storey with attic, single room plan, with limewashed rubble with dressing and stone tile main roof with slate rear wing roof and brick gable stacks.

The windows to the main house are 2/2 horned 20th century sashes to gable elevation a 6/6 sash hornless to the ground floor return to the street frontage. The front door is to left hand of gable frontage. The rear wing has 2 light timber casements to upper floor and a three lights with top hung timber casement and two light timber casement to the ground floor.

The barn first floor (east elevation) has a range of four and three lights to each timber clad element, with top hung casement and 2 /4 glazing bars. The Ground floor appears to have a glazed French door to side of the lean to

With regard to the site surroundings, the site is located within the built-up area of Malmesbury. Surrounding dwellings are of a similar style but feature a mixture of materials ranging from stone, brick or render to exterior walls, painted timber sash windows represent the dominant window style and either traditional stone or slate tiles to roofs. Decorated lintels are common, as are decorated quoins.

In terms of physical constraints, it is noted that 96 Gloucester Road is a Grade II listed heritage asset. The site is also immediately surrounded on the south, north and eastern sides by other designated heritage assets all of Grade II status.

In terms of policy constraints, it is noted that the site is located within the Malmesbury Conservation Area.

Surrounding heritage assets include

Claremont (98) Gloucester Road, Malmsbury grade II

No’s 75 -77 Gloucester Road, Malmsbury grade II
No. 79 Gloucester Road, Malmsbury grade II
9 St Marys Lane Malmsbury grade II
Malmsbury Conservation Area

PROPOSAL

Listed Building Consent is sought to Install 4 replacement windows to the property. The proposed window would an replace existing window located on the Right elevation, left elevation and 2 windows to the front elevation. All are at first floor level.

Right elevation would be formed on 1 glazed unit and would measure 1.1m x 8.9m and be formed of Aluminium with internal and external finish colour of anthracite grey.

Left elevation would be formed on 1 glazed unit and would measure 1.3m x 1.1m and be formed of Aluminium with internal and external finish colour of anthracite grey.

Front elevation window (as plans) labelled 3 Front would be comprised of 4 glazed units measuring 2.2m x 1.14m and be formed of Aluminium with internal and external finish colour of anthracite grey.
Front elevation window (as plans) labelled 2 Front would be comprised of 4 glazed units measuring 1.6m x 1.14m and be formed of Aluminium with internal and external finish colour of anthracite grey.

RELEVANT PLANNING HISTORY

Note that the below is not necessarily an exhaustive list and only includes those applications deemed to be of relevance to the current proposal.

PL/2023/09877, Install 4 replacement windows to property, Pending Consideration

21/02418/FUL, Proposed Drive Entrance gates, Re - pointing elevations, Re - painting existing doors and windows, new doorway opening on West elevation, Removal of timber porch and demolition of existing lobby. Approve with Conditions, 04/06/2021.

PL/2021/03572, LBC, Proposed Drive Entrance gates, Re - pointing elevations, Re - painting existing doors and windows, new doorway opening on West elevation, Removal of timber porch and demolition of existing lobby. Approve with Conditions, 04/06/2021.

N/13/00085/LBC Replace Attic Window on South Elevation with Soft Wood Sash Window. Approved with conditions 13th August 2013.

Additionally, it is noted that Pre-Application advice has been previously sought:

19/09436/PREAPP Alterations and Refurbishment of Property and Demolition of Modern Garage. With relevance to the current proposal, the use of a grey finish for external decorations was

advocated, though the use of automated gates to the front of the property was not supported at the time

Wiltshire Core Strategy 2015
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 13: Spatial Strategy for the Malmesbury Community Area
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment

Saved policies of the North Wiltshire Local Plan 2006
Policy HE1 Development in Conservation Areas
Policy HE4 Development, Demolition or Alterations involving Listed Buildings.

Malmesbury Neighbourhood Plan (2015)
Policy 13: Preserve and/or Enhance the Town Centre

National Planning Policy Framework:
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 16 Conserving and Enhancing the Historic Environment

Planning Listed Buildings and Conservation Areas Act Adopted1990
Section 66(1) – Special regard to the preservation of a historic building or its setting
Section 72(1) – Special attention to be paid towards the preservation and enhancement of a Conservation Area

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 guidance on the Care, Repair and Upgrade of Traditional Windows.

ASSESSMENT

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 011 (adopted June 2006); and the Malmesbury Neighbourhood Plan (MNP) (Made 2015).

PLANNING ISSUES

Those issues deemed to be most pertinent to the determination of the application are as follow:

Principle of Development
Impact on the Character and Appearance of the Existing Dwelling & the Locality
Impact on the Historic Environment
Other Matters

CONSULTATION RESPONSES

Malmesbury Town Council – No comments received related to this application.

Conservation Officer –

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.

It is considered the applicant has not sufficiently justified the change in windows or doors, opening sizes, details, materials, or glazing form and does not indicate the proposed reveals or significant architectural features such as the timber lintel to the south gable end loft doors. The proposed new windows are considered harmful to the barns established significance of the listed building, the setting of the neighbouring listed buildings and character and appearance in the Conservation Area and is therefore contrary to NPPF paragraph 199, 200, and 202, Wiltshire Council Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' and Historic England guidance on the Care, Repair and Upgrade of Traditional windows.

It appears that some works have already been undertaken without Listed Building Consent in particular the removal of the solid timber doors to the barn and the window above and appropriate enforcement action should be considered for these elements reinstatement.

REPRESENTATIONS

No third party representations received.

Principle of Development

The application site is a semi-detached dwelling located within the settlement boundary of Malmesbury, as established within WCS Core Policy 1 as a market town. Within the limits of market towns, Core Policy 2 states that there will be a presumption in favour of sustainable development. Considering that the application is within the built-up area in a residential

neighbourhood, the proposed alterations to a and minor extension of a residential dwelling is deemed to be acceptable in principle in this location. This is subject the details and impact of the proposal also being in accordance with all other relevant policies, guidance and legislation.

Impact on the Historic Character and Appearance of the Existing Dwelling & the Historic Locality and Amenity

Policy Context

Core Policy 57 of the WCS requires a high standard of design from all new developments, including alterations to a property. Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. The need for good design is reinforced by Section 12 of the NPPF and the National Design Guide.

The Wiltshire Core Strategy Policy ‘Core Policy 58 ‘Ensuring the Conservation of the Historic Environment’ requires that designated heritage assets and their settings will be conserved and where possible enhanced. It is also required that distinctive elements of Wiltshire’s historic environment, including nondesignated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

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, including its overall aspiration for conserving heritage assets. In particular, paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states ‘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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Paragraphs 206-8 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.

Para 200 of The NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential

impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Additionally, regard is had to Policy 13 of the MNP which states the Neighbourhood Plan Design Guide should be taken into consideration. With relevance to the proposal, Section 8.1.4 states that development must make a positive contribution towards the distinctive character and form of the town as a whole and relate well to its site and its surroundings.

The proposed exterior alterations would significantly alter the appearance of the dwelling. However, it is considered that these alterations have been sensitively designed and would accord with the surrounding vernacular, appropriately responding to the street scene. It is considered that the alterations would make a positive contribution towards the distinctive character of Malmesbury.

The Malmesbury Conservation Area Appraisal (2007) states that the character of the town is ‘derived primarily from its unique and dramatic location’. It states that the medieval walls, topography and rivers have created a compact urban form, and in turn an ‘intactness’ which is identified as an important component of the town. The significance of the conservation area is therefore likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value and given its designation it is significant in these terms.

Assessment

The application relates to the attached barn to No. 96 Gloucester Road and forms the back (west) enclosure of the courtyard that is in front of the principal south elevation of the listed building. It is a significant attached outbuilding with loft door openings to the barns south gable end onto St Marys Lane that runs uphill the to the south side of the courtyard up to barn.

The east elevation of the barn is the backdrop to the courtyard and includes to the first floor timber, top hung casement windows with glazing bars, in a set of four and three lights set in horizontal timber cladding between stone piers.

The proposal is for a variety of replacement windows to the attached barn.

To the gable end (south) to the attached barn on St Marys Lane it is proposed the replacement of the timber pair of loft doors, which were set back deep into their opening below an exposed timber lintel and the window above to the gable with previous cross of glazing bars. Both these doors and window where in place in 2015 google streetscene however on site visit they have been removed and the openings blocked with timber boarding.

The solid timber doors and gable window is proposed to be replaced with fixed light single pane, grey coloured, aluminium 28 mm double glazed, aluminium frame. It is not clear from the drawings whether the openings are being altered from their original dimensions and there is no indication of the reveals proposed.

The existing drawing details of the barn gables lack details of the existing (former) doors and windows or the reveals or building materials, similarly the proposed drawings are similar insufficiently detailed.

To the gable end (north) to the attached barn window is proposed to be changed from a multi (6) with glazing bars timber window to a top hung singe pane, double glazed aluminium framed, grey coloured, 28 mm double glazed window. As with the corresponding new windows to the south gable this new window to the north gable is proposed to change in materials, appearance, and detailing.

The other proposals are for the replacement of the existing four light and three light top hung, timber casement windows subdivided into 2 /4 panes to the barns front (east) elevation first floor, to a new four light and three light casement aluminium frame window in grey, with side hung outer lights and single pane 28mm double glazed units.

These proposed windows are due to change in materials, appearance, detailing and glazing harmful to the barns established significance, architectural character and appearance on St Marys Lane and Gloucester Road and to the setting of the main house No. 96 Gloucester Road and neighbouring listed building and the street scene and character and appearance of the property in the Conservation Area.

In this case the significance of the building lies with its historic and architectural interest and makes a positive contribution to the character of the Conservation Area.

It has been concluded that the supporting Design Access and Heritage Statement submitted has not examined the significance of the existing windows and doors and their openings reveals, or their materials or glazing pattern or form, or examined other options for improving thermal performance of the existing doors and windows to the barn or assessed their exiting condition in any substantial detail.

The Design Access and Heritage Statement sets out that the visual aesthetic should be balanced against living conditions of the occupants.

The proposed works would significantly alter the appearance of the barn primarily by way with the installation of modern windows visible from the street scene. Overall, it is considered in this instance that the proposed alterations would detract from the visual amenity of the building. And in doing so, it is considered that the proposal would fail to respond to the key features of the Conservation Area by having a harmful impact on the aforementioned aesthetic value of Malmesbury.

The conservation officer when consulted further commented that it is considered the applicant has not sufficiently justified the change in windows or doors, opening sizes, details, materials, or glazing form and does not indicate the proposed reveals or significant architectural features such as the timber lintel to the south gable end loft doors. The proposed new windows are determined to be harmful to the barns established significance of the listed building, the setting of the neighbouring listed buildings and character and appearance in the Conservation Area and is therefore contrary to the objectives and principles of the NPPF, Wiltshire Council Core Strategy

Policy CP58 ‘Ensuring the conservation of the historic environment’ and Historic England guidance on the Care, Repair and Upgrade of Traditional windows.

On Balance while upgrading the windows could be seen to have a positive impact on reducing carbon out put of the building aiding in improving insulation however in this instance it is determined that the proposed works would significantly alter the appearance of the host dwelling, through the removal of traditional windows for modern windows with no significance to the historic fabric of the building. Overall, it is considered in this instance that the proposed alterations would have a significant harmful impact to the visual amenity of the building. And in doing so, it is considered that the proposal would not respond to the key features of the Conservation Area and detract from the buildings contribution to its aforementioned aesthetic value of Malmesbury.

Accordingly, it is determined that the proposal would have an unacceptable harmful impact on the significance of the building and in turn the historic environment. It would fail to appropriately conserve and enhance the character and appearance of both the Conservation Area and the listed heritage asset in accordance with Core Policy 57 and 58, the guidance within Section 16 of the NPPF as well as Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Neighbouring Amenity

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of existing occupants and to make sure that appropriate levels of amenity are achievable within the development itself. Additionally, Paragraph 135 (f) of the NPPF states planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the equality of life or community cohesion and resilience.

The submitted plans confirm that the proposed development would see the replacement of existing window and would not seek to insert any new opening into the existing building. Due to the proposed nature of the development the proposal is not considered to pose any detrimental amenity impacts and would therefore be acceptable in amenity terms in accordance with the provisions of Core Policy 57 of the WCS and Paragraph 135 of the NPPF.

CONCLUSION

It is determined that the submitted details have failed to sufficiently justified the change in window design, materials, or glazing form or reveals. In addition, has also failed to indicate the significant architectural features or significance of the building itself. It is therefore deemed that the proposed development would lead to a significant harmful impact on the designated listed building, the Malmesbury Conservation Area and the adjacent heritage assets. In accordance with the advice and policies contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, Wiltshire Core Strategy and NPPF.

NPPF Para 202 allows that a level of harm may be offset by public benefits, which could include conservation benefits, in this case the proposals are articulated primarily for the convenience of the occupants i.e. a private benefit. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and is therefore recommend for refusal.

Refusal Reason(s): (1)

1 The proposed change of windows given the proposed design and material finish, will result in an incongruous change, further detracting from the character and appearance 96 Gloucester Road a grade II listed building. It will also cause harm to the setting of this listed building as the proposed windows will be visible on approaching to the house from various directions due to the topography of the surrounding area and situation of the building. In addition, the proposal, due to its proximity of other listed buildings and and being within a conservation area, would result in harm to the character and appearance of the Malmesbury Conservation Area and other designated heritage assets. Under the NPPF September 2023, the proposals will cause ‘less than substantial harm’ and this level of harm will not be offset by public benefits.

The proposals would therefore conflict with the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990; the Wiltshire Core Strategy 2015, Core Policies 57 ‘Ensuring High Quality Design & Place Shaping’ and 58 ‘Ensuring the Conservation of the Historic Environment’ and; and with Central Government policy contained within the National Planning Policy Framework 2023; in particular Chapters 12 and 16.