DELEGATED REPORT

Application Reference/s:	PL/2023/11194 & PL/2024/08122
Application Type:	Full planning permission & listed building consent
Target decision dates:	22nd October 2024

Site Address:	Flat 5, 11 St Mary Street, Chippenham, Wilts, SN15 3JJ
Proposal:	Replace 3 rotten wooden windows with like-for-like wooden sash windows (One in kitchen, 2 in sitting room) with shutters to remain in situ (Retrospective)
Recommendations:	Grant conditional planning permission Grant conditional listed building consent

1. **THE PROPOSAL**

1.1. Retrospective Planning Permission and Listed Building Consent is sought for replacement of 3no. sash windows in the front of no.11 St Mary's Street, serving the first floor flat. The windows to be replaced are highlighted yellow int eh image below:



1.2. The following drawings and documents have been submitted in support of the application:

- Application form
- Design & Access Statement Questionnaire
- Heritage Statement
- Photographs of:
- Annotated front elevation
- Front elevation
- Front elevation
- Close up of sitting room window 1
- Close up of sitting room window 1

- Internal detail view
- Kitchen window
- Sash detail
- Sitting room window 1
- Sitting room window 2

2. THE APPLICATION SITE AND SURROUNDINGS

2.1. The application concerns a mid-19th century Grade II listed building, formally composed in the front elevation in its stone construction with slate roof and sash windows and central arched doorway.

2.2 The property is within in the town centre of Chippenham, which is designed within the Wiltshire Core Strategy as a Principal Settlement. The property is also located within the Chippenham Conservation Area. The building adjoins and is surrounded by several listed and other historic buildings. No.61 on the opposite side of St Mary Street is a Grade II* listed building.

3. PLANNING HISTORY

N/89/02587/ADC	FASCIA SIGN	Approve
N/89/02588/LBC	ALTERATIONS TO LISTED BUILDINGFASCIA SIGN	Approve
N/89/03206/FUL	CHANGE OF USE - TO INSURANCE BROKERS OFFICE	Approve
N/99/00043/ADV	DISPLAY OF ADVERTISEMENT SIGNS	Unknown
N/99/00575/LBC	DISPLAY OF 2 ILLUMINATED SIGNS	Unknown
N/04/01379/COU	CHANGE OF USE FROM OFFICE TO SEVEN SELF CONTAINED FLATS AND EXTERNAL ALTERATIONS	Approve
N/04/01379/COU	CHANGE OF USE FROM OFFICE TO SEVEN SELF CONTAINED FLATS AND EXTERNAL ALTERATIONS	Approve
N/04/01380/LBC	INTERNAL AND EXTERNAL ALTERATIONS TO CONVERT TO SEVEN FLATS	Approve
N/04/01380/LBC	INTERNAL AND EXTERNAL ALTERATIONS TO CONVERT TO SEVEN FLATS	Approve
N/07/01106/LBC	Partial demolition and rebuilding of rear boundary wall and erection of no.3 buttresses	Withdrawn
N/07/01106/LBC	Partial demolition and rebuilding of rear boundary wall and erection of no.3 buttresses	Withdrawn
N/07/01373/FUL	Rebuilding of Two Rear Boundary Walls	Withdrawn
N/07/01373/FUL	Rebuilding of Two Rear Boundary Walls	Withdrawn

4. PLANNING POLICIES AND OTHER CONSIDERATIONS

All planning applications must be considered in accordance with the development plan unless other material considerations warrant otherwise. In this case, the development plan comprises the adopted Wiltshire Core Strategy and the Chippenham Neighbourhood Plan.

Wiltshire Core Strategy 2015

CP57	Ensuring high quality design and place shaping
CP58	Ensuring the conservation of the historic environment

Chippenham Neighbourhood Plan

TC4	Development within Chippenham Conservation Area

Other material considerations

National Planning Policy Framework
Planning Practice Guidance

5. Planning (Listed Buildings and Conservation Areas) Act 1990

s.16(2) s.66(1)	In respect of listed buildings, the council must 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'
s.72(1)	The Council must pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. **CONSULTATION**

Chippenham Town Council: No objection

WC Conservation Officer: No objections:

Although repair should be the first option for the windows, particularly historic joinery, due to the poor condition of previous fabric observed on archive photos from 2007 in our records fabric in this instance agree reluctantly the existing windows were beyond viable economic repair Therefore there are no concerns over the principle of their replacement. The acceptability of the replacements therefore depends on the appropriateness of the proposed details.

The replacement joinery in this case is of a comparable quality and appearance to the detail observed in our photo records yet it include a slim-line double glazed unit within the new units, which are to be fitted with a true glazing bar. Where as previously our planning history had consented applied glazing bar in the consideration of previous repairs to the building.

Current guidance on the replacement of windows, provided by Historic England (HE) in their document Traditional Windows – their care, repair and upgrading states the following on replacing windows that are beyond repair:

5.1 Replacing a traditional window that is beyond repair and all the details of which are known: The replacement window should match the form, detailing and operation of the window to be copied. It will be necessary for the maker of the new window to accurately copy the profiles of all the window components including head, jambs and cill of the frame and the stiles rails and

glazing bars of the sashes or casements. Old glass should be carefully salvaged and reused. Where practicable, ironmongery should be overhauled and reused.

5.2 Replacing a window of inappropriate pattern or material

Where a window that diminishes the significance of the building, such as a PVCu window or an 'off the peg' timber window of an inappropriate pattern, is to be replaced the new window should be designed to be in keeping with the period and architectural style of the building. It may be possible to base the design on windows that survive elsewhere in the building or it may be necessary to look for examples in other buildings of the same period and style close by…

Where the objective is to sustain or enhance the significance of a building by introducing an accurate copy of a historic window which is multi-paned, then single glazing could be required as incorporating double glazing may not be possible due to the size of the glazing bars. Glazing each pane would also reproduce the broken reflections that may be needed. In such cases, draught-proofing or secondary glazing or other compensatory measures to enhance the energy efficiency in other parts of the building may need to be considered.

1.4: Where historic windows have been replaced

with ones whose design does not follow historic patterns, these are unlikely to contribute to the significance of listed buildings. Replacing such windows with new windows of a sympathetic historic pattern, whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm. It also provides an opportunity to enhance the significance of the building, which is the desired outcome under national policy.

The introduction of slim-line double glazing in this instance is in line with current guidance from Historic England, quoted above, and therefore no harm to the significance of the designated heritage asset will be caused.

Overall the proposals are considered to preserve the special interest of the listed building, its appearance and setting.

6.1. **REPRESENTATIONS**

No neighbour or other comments received.

7. **ASSESSMENT**

7.1. Principle of development

The principle of replacing existing windows in a building is established as acceptable. However, in this case, the building is a listed building and located in a sensitive location iont he Chippenham Conservation. For these reasons, the detail of the replacement windows must be carefully considered against all relevant policies int eh development plan along with material considerations. That assessment is carried out below.

7.2. Heritage

7.2.1 Core Policy 57 broadly speaking requires a high quality of design in all new development, to be informed by and complementary to the local context and to contribute towards a strong sense of place. More particularly Core Policy 58 provides that development should protect, conserve and where possible enhance the historic environment, and that designated heritage assets will be conserved, and where appropriate enhanced.

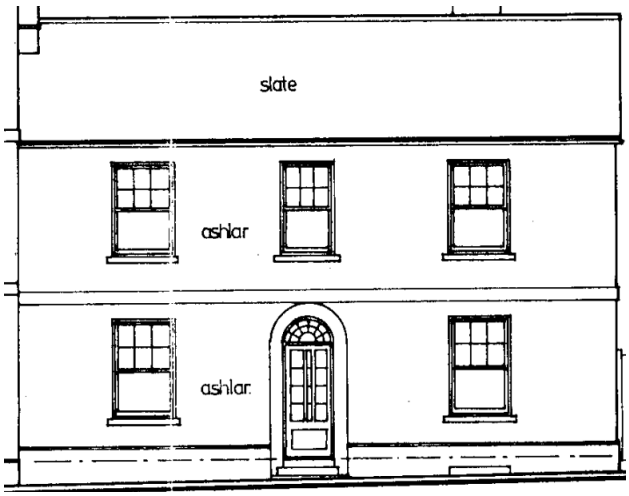
7.2.2 Policy CT4 to the Chippenham Neighbourhood Plan requires consideration to be given to the Character Appraisal for the conservation area, and supports proposals in accordance with the Chippenham Conservation Area Management Plan and which are of high quality design and which preserve the special character or appearance of the Conservation Area.

7.2.3 The National Planning Policy Framework advises that in determining applications concerning designated heritage assets, great weight' should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a designated asset requires 'clear and convincing' justification and where the harm is 'less than substantial' the harm should be weighed against any public benefits, including, where appropriate, securing its optimum viable use.

7.2.4 The listing description reads:

> ST9273SW 930-1/10/182
> CHIPPENHAM ST MARY STREET (South side) No.11
> 22/06/78
> GV II
>
> House, now flats. Mid C19. Limestone ashlar, slate roof with ashlar stacks to rear and left gable end. Double depth plan with rear wing. EXTERIOR: two storeys; symmetrical three-window range. Bracketed gutter; platband; plinth; 6/1-pane sash windows; moulded archivolt to radial fanlight and six-panel door.

7.2.5 From this it is clear that the format of the sash windows was part of the heritage listing:



Format of windows in 2004

7.2.6 The application is very weak in terms of justification for the works. There is no detailed condition assessment of the windows or assessment by a specialist of the feasibility of repairing or refurbishing the windows. Replacement of the windows thus runs contrary to the advice of Historic England that favours retention of windows that contribute to the significance of a building, and replacement only as a last resort.

7.2.7 The applicant suggests that the previous windows were installed c. 2007. This is not substantiated in any way. The 2004 approval however provided for refurbishment of the windows and the adding applied glazing bars to the lower sash so as to 'match' the 6 panes of the upper sash. It thus seems far more likely that the windows recently removed were single-glazed sash windows that existed in 2004 but unfortunately the application is not supported by any detailed assessment of the removed windows. Records from an officer visit to the site in 2007 however indicate the windows then to have been in poor condition and having been subject to various interventions such that they were unlikely to have contributed to any great degree to the heritage significance of the building in terms of their fabric.

7.2.8 The replacement windows, whilst said to be like-for-like are not so, as they include double-glazed units as opposed to the single-glazed windows that likely preceded them. Historic England Advice Note 18 (HEAN 18) accepts the principle of slim-profile double glazing units albeit within the emphasis upon upgrading and refurbishing existing window frames rather than replacing them. Exceptions to the principle include windows which retain historic glass of interest, windows of historic or architectural interest whose frames / glazing bars cannot support slim-profile or vacuum double-glazing, and windows with leaded lights. These exceptions are judged not to apply in this instance.

7.2.9 Nevertheless, and as identified within the Conservation Officers commentary, in this case the proposed replacement windows are noted to have been carefully specified and are appropriate design, construction and detailing and represent suitable replacements for the previous windows. As such it is judged that the replacement windows do not harm the heritage significance of the building. In turn the windows do not impact upon the setting of neighbouring and opposite listed buildings or the character and appearance of the conservation area, with no harm caused to any significance of them as a heritage assets.

7.2.10 The works carried out are thus in accordance with Core Policy 57, Core Policy 58 and policy CT4 as well as the advice of the National Planning Policy Framework.

7.3. Amenity

7.3.1 The proposed development and works do not introduce new windows into the elevation and will therefore not result in any additional overlooking into neighbouring properties. For this reason, the proposals are considered to meet with eh recent criteria to Corte Policy CP57 to the Wiltshire Core Strategy.

7.4. Biodiversity

7.4.1 As householder development, the proposal benefits from statutory exemption from the requirement to provide 10% net gain.

8. **CONCLUSION**

8.1. In consideration of the above it is concluded that the development would be in accordance with the development plan, and the works without harm to the significance of the listed building, the setting of surrounding listed building or the Chippenham Conservation Area. With no circumstances warranting otherwise, both applications are recommended for approval subject to the conditions outlined below.

9. **<u>RECOMMENDATIONS</u>: That Planning Permission and Listed Building Consent be GRANTED subject to conditions.**

See respective decision notices.