

APPLICATION FOR LISTED BUILDING CONSENT

OFFICER DELGATED REPORT

APPLICATION REFERENCE:	PL/2026/01277
APPLICATION TYPE:	Listed building consent (Alt/Ext)
SITE ADDRESS:	3 Five Aills Court, London Road, Marlborough, SN8 1BA
DESCRIPTION OF WORKS:	Retention of kitchen window within modern extension.
RECOMMENDATION:	Approve

SITE DESCRIPTION/CONTEXT

No.3 Five Aills Court is part of a grade II listed building dating from the mid-18th century, and altered in the late 19th century. A former coaching inn, the public house, coach house and stabling is now a complex of residential units (approved in 2000).

It is located within the Marlborough Conservation Area.

The list entry, for means of identification purposes only, provides the following description:

1748 (dated rainwater head at rear). Altered in "Renaissance" style in late C19. Blue brick with red brick dressings. Right hand part has hipped and sprocketed old tile roof. Centre has double bargeboarded gable ends to road. Left hand has pitched modern tile roof. Chequer brick stacks, C19 ones corniced. 2 storeys; central part 3 storeys, with C19 fish-scale tiles in front, unaltered behind. Moulded and dentilled brick cornice above 1st floor in central part. Central 4 bays break forward slightly. 6 segment-headed sashes with glazing bars on 1st floor. Ground floor has 3 segment-headed sashes with glazing bars, another one tripartite, and 1 late C19 half-glazed door in elaborate doorcase (possibly C18); this has blocked Tuscan pilasters taking paired moulded consoles linked by festoons of fruit, which in turn take double-curved pediment with dentils and panelled soffit: panelled reveals. 2nd storey of central part has 2 wooden mullioned oriel windows on 3 moulded consoles each.

Right hand side elevation has 3 segment-headed sashes with glazing bars, and 1 door with 6 sunk panels and flat hood on cut brackets.

Between left hand and No 12 runs an iron bar with late-C19 iron escutcheon-shaped inn sign hanging.

Nos 9 to 12 (consec) The Five Aills public house, stables and coach house and Nos 14 to 23 (consec) form a group.

PROPOSAL

Retention of kitchen window within modern extension.

RELEVANT PLANNING HISTORY

Proposal / Summary
K/39034/L - Listed building consent Decision - Approve with Conditions Date: 1/6/2000 – Alterations to convert main building & outbuilding to 8 residential units, including demolition of 3 ground floor lean-to's, one first floor extension and outbuilding, and
K/39033 - Full planning permission Decision - Approve with Conditions Date: 22/2/2001 – Change of use and conversion to 8 dwellings & associated parking.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Legislation

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. Section 16 requires that **special regard** be given to the desirability of preserving 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.

National Policy and Guidance

The National Planning Policy Framework (NPPF) sets out government policy, including 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 213-215 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. Paragraph 210 requires local planning authorities to 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.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

Historic England Advice Note 2: Making changes to Heritage Assets, illustrates the application of policies set out in the NPPF in determining applications for LBC (and planning permission).

Wiltshire Core Strategy:

Whilst not directly relevant to listed building consent applications, the below policies give an indication of the Council's approach to development affecting heritage assets:

- Core Policy 57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

- Core Policy 58 '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."

ISSUES

- Impact upon the preservation of the listed building or its setting or any features of special architectural and/or historic interest.

CONSULTATION RESPONSES

Marlborough Town Council – no objection.

REPRESENTATIONS

In accordance with the requirements of Section 5(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) the application for listed building consent was publicised by way of:

- A site notice displayed near the site;
- An advertisement placed in the local press.

These methods were used to inform interested parties and to allow a statutory consultation period of **21 days** for representations to be submitted.

Below is a summary of the representations received during the consultation period. In accordance with the provisions of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, only matters relevant to the consideration of the building's special architectural or historic interest have been taken into account in the assessment of this Listed Building Consent application:

- None received.

ASSESSMENT

In accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the significance of the listed building, including its architectural and historic interest, and the desirability of preserving both the building and its setting. Relevant policies within the National Planning Policy Framework (NPPF), particularly Section 16: Conserving and Enhancing the Historic Environment, have also been taken into account. These policies require that any harm to the significance of a designated heritage asset must be clearly justified and weighed against the public benefits of the proposal.

In order to be acceptable, the application needs to be assessed against the following criteria:

Information considered/submitted

Paragraph 207 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.

- Heritage statement

- Design and Access Statement
- Planning Statement

Collectively, the information provides a good understanding of the background history of the current situation, details of the previous window and the current window. The level of detail is considered adequate to understand the proposals and any impact on the building and its fabric.

Paragraph 208 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis. The information provides a good understanding of the background history of the current situation, the condition of the door, and the proposals. The level of detail is considered adequate to understand the proposals and any impact on the building and its fabric.

Assessment of significance:

According to the National Planning Policy Framework (NPPF), significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

Historic England further categorises significance into four key values:

- *Evidential* – the potential of the asset to yield evidence about past human activity.
- *Historic* – the ways in which the asset illustrates aspects of history.
- *Aesthetic* – the sensory and design qualities of the asset.
- *Communal* – the meanings and associations attached to the asset by people.

In this case the significance of the building lies largely with its architectural and historic interest as an early 18th century coaching inn, and its surviving character. The rear of the building and site has been slightly compromised by having a rather residential character and some modern extensions to it, although the sense of the former stables and coach house is still evident. Internally the building has been subdivided, which has also had some impact on the original layout, although the building is still worthy of its listed status and positive contribution to the character and appearance of the Marlborough Conservation Area.

Impact of proposals on the significance and setting of the building/structure:

Understanding the impact of proposed works on a listed building requires a careful and proportionate assessment of how those changes affect the asset’s heritage significance and its setting. This includes both the physical alterations to the building itself and any changes to its spatial or visual relationship with surrounding structures or spaces.

The significance of a heritage asset is not static; it is shaped by its architectural, historic, and communal values, and by how these are experienced in context. Therefore, any intervention must be considered in light of the asset’s identified significance, with attention given to both potential harm and benefits. Benefits may include repairs that support the long-term conservation of the building, improved energy performance, or enhanced public access and understanding.

This assessment is grounded in the statutory duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to be given to the desirability of preserving the building and its features of special interest. It is also informed by

national policy, particularly paragraphs 199–208 of the National Planning Policy Framework (NPPF), and relevant local heritage policies and guidance.

The whole building was converted into several separate dwellings (approved in 2000), when the site ceased being a public house. No.3 itself is at the rear of the building and is partly formed from a modern extension at the rear of the building. The window subject to the application is a ground floor window, next to the door used as a back door and enters the kitchen.

The window was replaced in the c.2000 conversion and was done as a fairly traditional sliding sash window, despite the opening being more square in shape, with horizontal emphasis, and not lending itself to more traditional and elegant sash windows. The building has quite a variety of window styles from traditional Victorian sashes on the front (London Road) elevation of the main building, to traditional casements.

The sash window was replaced with a two-light, flush casement, with double glazing – this is similar to the existing bathroom window at first floor level.

To support the change in window style, the applicant has provided photographs from the recent flooding experienced in this part of Marlborough in January 2024, and although the window was fitted in 2019, the change in style meant that this window was the only means of escape from the building, due to the flood water levels.

The change in window style in this location does not affect the building's special interest or harm its character. The style and type of window fitted is also considered acceptable.

Impact on Ecology

While Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 do not explicitly reference protected species, Local Planning Authorities have a statutory duty to consider potential impacts on protected species when determining applications. This responsibility arises from broader environmental legislation and national planning policy, and must be taken into account where relevant.

		Y / N / NA
(a)	Does the site or proposed development possess/impact on any of the features where protected species are likely to be present (assessed against Natural England's standing advice) and where species are likely to be found?	N/A
(b)	If yes, has a protected species survey been submitted?	
(c)	If yes, does the survey show a detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity in accordance with the standing advice?	

Comments (if any):

None.

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.

In this case, the retention of the window does not have any harmful impact on the designated heritage assets, and the special interest of the listed building is preserved.

RECOMMENDATION:

That Listed Building Consent be GRANTED.

Plans used to determine the application should be listed.

No time limit is required, as the works have already been completed.