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# Appeal Decision

Site visit made on 28 November 2023

**by A Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> December 2023**

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**Appeal Ref: APP/Y3940/Y/22/3312068**

**The Olde Cheese House, 28 Manor Road, Upton Lovell, Warminster, Wiltshire BA12 0JW**

- 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 Mrs Amanda Cheesley against the decision of Wiltshire Council.
  - The application Ref PL/2022/02376, dated 11 April 2022, was refused by notice dated 13 June 2022.
  - The works proposed are described as 'replacing existing windows as per the drawings and photographs'.
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## Decision

1. The appeal is allowed and listed building consent is granted for the works described as 'replacing existing windows as per the drawings and photographs' at The Olde Cheese House, 28 Manor Road, Upton Lovell, Warminster BA12 0JW in accordance with the terms of the application Ref PL/2022/02376 dated 11 April 2022 and the plans submitted with it subject to the following conditions:
  - 1) The works hereby approved shall begin not later than 3 years from the date of this decision.
  - 2) Prior to the fitting of the windows hereby approved, joinery details at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a comparison with the existing windows as well as full vertical and horizontal sections to include glazing bar details and details of the finish. The replacement windows shall be constructed in accordance with the agreed details.

## Preliminary Matters

2. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of this appeal, so I have not sought the views of the main parties on this matter.

## Main Issue

3. The effect of the proposal upon the significance of the grade II listed building<sup>1</sup>.

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<sup>1</sup> The list entry (No. 1181861) covers three cottages known as Corton Glebe Cottage, Olde Cheese House and No. 29. Together these three cottages form the listed building.

## Reasons

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The appeal building is a cottage within a terrace of three dwellings that are covered by a single list entry. The appeal building and the attached cottage to the north were built in the early to mid 19<sup>th</sup> century. A further cottage was added to the southern end. The list description suggests that this was probably in the later 19<sup>th</sup> century, and it is distinguished from the other two by a straight joint in the masonry alongside the original quoins, and different coursing to the stone. In all other respects this later cottage appears to have been built to match the other two and is sheltered by a continuous fishscale clay tile hipped roof.
5. The use of coursed rubble stone, the red brick dressing to the regularly placed openings, and its simple roof form gives the terrace a harmonious and aesthetically pleasing historic appearance. These are characteristics of the building that contribute to its special interest.
6. Superficially the existing windows appear to further contribute to the building's special interest. However, the list description refers to pairs of small 12-pane sashes in two positions on the terrace. Both locations appear to relate to the appeal building, yet these windows are all now side opening casements. A pair of sashes are fitted to the end of the northernmost cottage, in a position which does not appear to correlate with the list description. At my visit there was nothing to suggest that the existing windows at the appeal building are historic, and this is not suggested in any of the submissions before me.
7. Additionally, I note that some of the windows on the ground floor across the terrace are fitted into openings that once served as doorways. Taking these matters together, whilst accepting that the existing casement windows are aesthetically pleasing and look the part architecturally, the evidence suggests that the front façade of the building has been subject to considerable change. For these reasons the existing windows should not be considered elements of historic fabric that need to be conserved.
8. I agree that carefully considered repair is usually a more favourable approach to full replacement for environmental reasons, and there are many well established techniques to significantly improve the thermal performance of a traditional window without introducing double glazing. However, this is not a matter that I can take into account when considering an application for listed building consent where the only test is whether the proposal would preserve the special interest of the building. Therefore, subject to the design of their replacement, the removal of the existing windows is not something that can be resisted as a matter of principle.
9. The replacement windows would be constructed to match the existing windows in all respects apart from the introduction of slim double-glazed units. Joinery details have been submitted in an attempt to illustrate this aim; however, they do not constitute full sections to clarify that the frames would be flush fitting, and there is nothing to demonstrate that the profiles proposed would match the existing joinery. Additionally, the rebates into which the individual sealed units would sit appear overly deep. This is a difference that would be noticeable and would make the replacement windows stand out. Having said this, the existing

glazing bars appear to be broad enough to be replicated with a deeper rebate to take a double-glazed unit. I can therefore be confident that it should be possible to address these matters by imposing a condition to require the submission of additional joinery details if the appeal is allowed.

10. The introduction of double glazing is a change that warrants careful consideration. The existing windows are traditionally designed. However, with reference to the guidance from Historic England<sup>2</sup>, they are not replacements whose design follows an historic pattern as most of the windows that they replaced were sashes. The existing windows are fitted with flat modern glass, which would be unchanged by the proposal. The broken reflection achieved by using proper glazing bars to frame individual sections of glazing forms part of the proposal.
11. There would be the potential for a double reflection to be perceived from outside the building. The Historic England guidance also advises that where a new window is agreed the reflective properties of double glazing do not usually harm the significance of the building. Furthermore, the impact of this would be limited by the northwest orientation of the building's front façade which would be away from sunlight for most of the day, and the fact that the terrace is most readily appreciated at a distance from the road, beyond the front gardens.
12. The appeal decisions referred to by the Council cover similar matters to the proposal before me. Many refer to the harmful visual impact of introducing slim double-glazed units. Some were allowed and some dismissed. I have reviewed these carefully and am satisfied that my decision does not conflict with the approaches taken in these decisions on the basis of the reasons I have given; noting in particular that the glazing pattern at the appeal building lacks authenticity, and the special interest of the terrace is best appreciated at a distance, beyond the front gardens.
13. In summary, the proposal would not be harmful. It would thus preserve the special interest of the listed building in accordance with the requirements of the LBCA and Paragraph 205 of the Framework, which states that great weight should be given to the conservation of heritage assets. Although development plan policies do not strictly apply to applications for listed building consent, the proposal would also accord with the Policy referred to in the Council's decision.

### **Conditions**

14. I have had regard to the condition suggested by the Council. I have considered this against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition to secure further details of the joinery to ensure that the replacement windows would safeguard the special interest of the listed building.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should succeed.

*A Tucker*

INSPECTOR

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<sup>2</sup> Historic England: Traditional Windows: Their care, repair and upgrading 2017