



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/02/21

gan [REDACTED] BA (Hons) PG Dip TP
MA MRTPI

Swyddog a benodir gan Weinidogion Cymru

Dyddiad: 15/3/21

Appeal Decision

Site visit made on 16/02/21

by [REDACTED] BA (Hons) PG Dip TP MA
MRTPI

An Inspector appointed by the Welsh Ministers

Date: 15th March 2021

Appeal Ref: APP/K6920/E/20/3264208

Site address: [REDACTED]

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 [REDACTED] against the decision of Caerphilly County Borough Council.
- The application Ref: 20/0624/LBC dated 28 July 2020, was refused by notice dated 6 November 2020.
- The works proposed are replacement of rotten upper windows with double glazed windows that better reflect the period of the building.

Decision

1. The appeal is allowed and listed building consent is granted for the replacement of upper windows with double glazed windows at 13 Ty Tallis, Penrhiw Terrace, Oakdale, NP12 0JH in accordance with the terms of the application Ref: 20/0624/LBC dated 28 July 2020 and the plans submitted with it subject to the following conditions:
 - 1) The works shall begin not later than five years from the date of this decision.
Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan; Front Elevation Upper, 1:200; Bedroom, 1:10; Bathroom, 1:10 and Dormer, 1:10.
Reason: To ensure the works are carried out in accordance with the approved documents, plans and drawings submitted with the application.
 - 3) Prior to the commencement of work a scheme for the removal of the existing windows and their replacements to be inserted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To preserve the special interest of the listed building (LDP Policy SP6).
 - 4) The windows hereby approved shall be made from timber and painted white.
Reason: To preserve the special interest of the listed building (LDP Policy SP6).

Procedural Matters

2. The description of the proposed works set out in the banner heading above has been taken from the application form and was also used in the Council's decision notice. As the description includes superfluous and descriptive narrative, I have determined the appeal on the basis that it seeks consent for "the replacement of upper windows with double glazed windows".
3. Since the application was determined by the Council the Welsh Government has published Future Wales: The National Plan 2040 and Planning Policy Wales, Edition 11 (PPW). I am satisfied that neither publication makes any material difference to the main issue in this case.

Main Issue

4. The main issue is whether the works would preserve the listed building, its setting, and any features of special architectural or historic interest which it possesses¹.

Reasons

5. The appeal building is a Grade II listed building with the plaque displayed over its doorway dating it to 1914. The listing description describes the building as being in the style of T Alwyn Lloyd and formerly known as Oakdale Hospital. It states that it comprises red brick, painted freestone dressings, roughcast, applied half timbering, slate roofs and mainly small-pane casement glazing. The building has a central group of three gables, and it was first listed on 5 August 1997 as the best cottage hospital in South Wales with interesting associations with the industrial and social history of the area.
6. The building now comprises two dwellings, with the appeal property occupying the northern half of the building. As a result of the division the front elevation is divided between the two properties with only half the windows on the first floor of the front elevation proposed for replacement under the proposal before me. The proposed works would replace three first floor windows situated within a dormer and within two of the gables in the front elevation. The applicant has confirmed that the double-glazing units would be 24mm thick and the existing glazing bars would be replicated with the same 36mm wide bars as those existing. The windows would be side hung casements with no obscure glazing proposed.
7. The Council has no objection in principle to the replacement of the windows which are acknowledged to be in a poor state of repair and do not comprise the original windows. They agree that the existing windows have no evidential or historical value and, as they were not replaced as replicas of the original windows, they have no aesthetic value either. The Council's main concerns relate to what it describes as the thickness of the proposed glazing and glazing bars and the lack of information in relation to the materials to be used.
8. The appellant's heritage statement acknowledges that the windows are not original and have been replaced with 6 pane windows that are not a true reflection of the

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving buildings or their settings or any features of special architectural or historic interest which they possess. Paragraph 6.1.10 of PPW states that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting with the primary material consideration the statutory requirement set out in section 66(1).

original windows. Whilst difficult to depict detail, a single photograph provided by the appellant suggests that the windows were formerly divided into 8 panes. The heritage statement states that the current windows have no ovolo moulding to the glazing bars which are far wider than expected being 25mm wide as opposed to 16-18mm which was common to the building's era. It is also noted that the central sections of the larger windows have framing significantly above that which would be expected of the era.

9. From the evidence before me there appears to be no dispute that the original windows were removed some time ago and have been replaced with windows that are not representative of those that would have originally been installed. In addition, I noted on my site visit that the adjoining property in the other half of the building has first floor windows of a similar style and detailing as those in the appeal dwelling. From my observations it seems that any contribution that the windows made to the significance of the listed building was therefore compromised some time ago.
10. I have not been provided with any substantive evidence of the exact design and detailing of the original windows. The appellant's evidence suggests that the windows were replaced during the 1980s (therefore predating the listing of the property in 1997) whilst the Council suggests that they may have been installed after listing without consent. In any event, it is clearly regrettable that the original windows were removed and, it would appear from the evidence before me, no enforcement action to secure more historically accurate replacements was ever taken. Furthermore, I have no evidence before me that it is the Council's intention to take enforcement action although there is no time limit for taking such action in relation to unauthorised works to a listed building. In my assessment, as a result of the passage of time between the removal of the windows and the present, any significance to the listed building that the windows provided has largely been lost.
11. In making decisions on works to listed buildings, the statutory test to be applied is whether the proposal *preserves* (my emphasis) the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in the Welsh Government's national planning policy set out in PPW and Technical Advice Note 24 "The Historic Environment".
12. In this regard, taking account of my findings on significance above, the effect of replacing the windows with ones of a similar depth of glazing and glazing bars as the existing, would not cause any additional harm to the listed building than has already been caused. Furthermore, and as noted above, other windows within the front elevation of the listed building are of a similar design and are not subject of the appeal before me. I noted on my site visit that whilst the windows in the first floor may not be faithful to the originals, the replacements within the whole of the front elevation provide a symmetry and commonality that enable the building to be read as one entity. The replacement of the windows in the appeal dwelling in isolation to those in the adjacent property would, in my opinion, result in harm through unbalancing the symmetry and consistent appearance of the overall front elevation of the listed building.
13. Notwithstanding the above, to ensure that windows are of a traditional material and match others within the building, I concur with the Council that they should be constructed of timber and painted white. The appellant acknowledges in her appeal statement that wooden windows would be required, and she states that the windows would be painted white. I am satisfied that such requirements could be secured through a suitably worded condition.

14. I note the Council's desire to secure enhancement which, in this case, means that it seeks the provision of windows in keeping with the period and architectural style of the building and that this is supported by guidance issued by Cadw and Historic England. I have no reason to disagree with this approach where the significance of the original windows is still evident either through their presence or recent precise and reliable documentation, and where a like-for-like replacement would be required to preserve the special qualities of the building.
15. However, for the reasons given above and having regard to the circumstances relating to the history of this particular listed building, I find no compelling evidence to seek to enhance the windows in this particular case. The proposal would replace existing windows with those of a similar form and design to those being replaced and as such would preserve the listed building, its setting and the special architectural and historic features that it possesses. It would therefore meet the statutory requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would be in conformity with policy SP6 of the Caerphilly County Borough Local Development Plan in that it has had full regard to the context of the historic environment and its special features.
16. I note the appellant's comments in respect of improving the thermal efficiency of the building but given my conclusions above, I do not find this to be decisive in this particular case.
17. I have also taken into account that the site lies within the Oakdale Village Conservation Area (the Conservation Area). I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas². I have not been provided with any substantive evidence in respect of the contribution this particular building makes to the Conservation Area but I found on my site visit that it occupies a prominent location and as a result of its historic associations with the area and its visual appearance I consider it to make an important contribution to the character and appearance of the Conservation Area. Given my conclusions above, I am satisfied that the proposal would preserve the character and appearance of the Conservation Area as required by statute.

Conditions

18. I have considered the Council's suggested conditions in light of the advice in Circular 016/2014 "The Use of Planning Conditions for Development Management". I agree that conditions relating to the time for implementation and compliance with plans are reasonable and necessary. I also agree that a scheme for the removal of the windows and their replacement should be submitted to the Council to ensure the preservation of the listed building. However, I have included a separate condition to require the windows to be provided in timber and painted white rather than for such finishes and materials to be agreed.

Conclusion

19. I have taken into account all other matters raised but find none that outweigh my conclusions that subject to the imposition of conditions the proposed works are acceptable. For the reasons given I allow the appeal.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WCFG Act.



INSPECTOR