

**Planning Committee:** 28 February 2023

**Item Number: 9**

**Application No:** [W 22 / 1762](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Theo Collum

**Registration Date:** 07/11/22

**Expiry Date:** 02/01/23

01926 456526 theo.collum@warwickdc.gov.uk

**41 Portland Street, Leamington Spa, CV32 5EY**

Replacement windows with specialist slimlite timber sashes to match existing geometry. FOR Mr + Mrs Talbot

-----

This application is being presented to Committee due to the number of comments in support received, contrary to officers' recommendation.

**RECOMMENDATION**

It is recommended the application is refused.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission to replace the existing single-glazed windows with modern double-glazed units.

**THE SITE AND ITS LOCATION**

41 Portland Street is Grade II Listed as one of a pair of c1824-1836 dwellinghouses, with later alterations. The dwelling is characterised by brick with painted stucco front facade and Welsh slate roof. 3 storeys with basement, 4 first-floor window range, arranged 2:2 all 6/6 windows are sashes with sills throughout. The house is located in the Leamington Spa Conservation Area.

**PLANNING HISTORY**

W/21/2159 & W/2160/LB – Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – refused

W/21/0226 and W/21/0227/LB - Internal alterations, replacement/refurbishment of windows and replacement of roof windows to dormers on rear elevation – granted

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity

- Guidance Documents
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

Royal Leamington Spa Town Council – no comments

WDC Conservation - object on grounds of harm to heritage asset

Councillor Chris King – supports. Great effort has been taken to select a window that has minimum visual impact. The improvement to the building's carbon footprint will be appreciable.

Public Response - 5 neighbours support, citing environmental benefits, lack of suitable alternatives incorporating single or secondary glazing and acceptable impacts on the listed building.

## **ASSESSMENT**

### Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Paragraph 199 of the NPPF states 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. Paragraph 202 of the NPPF

states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Council have also adopted historic building guidance entitled "Windows in Listed Buildings & Conservation Areas". This states that Listed Building Consent and Planning Permission will not be granted for the use of aluminium, plastic (u.P.V.C.), or non-traditional timber replacement windows in Listed Buildings or in unlisted buildings in Conservation Areas. It then goes on to state that Listed Building Consent will not be granted for the use of double glazed units in Listed Buildings.

The Conservation Officer has commented as follows:

"The building's principal elevation contains original windows, which therefore form part of the historic fabric of the building. These windows should be repaired and not replaced – replacement will only be considered to an original or historic window when beyond repair, however this has not been demonstrated to any degree. On original or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.

The rationale behind the proposed replacement appears to be greater energy efficiency, however secondary glazing systems can be installed behind single glazed windows to improve thermal performance, which can be obtained as tailor-made units for historic windows. These can be equally efficient as double-glazed units and, if fitted discretely, need not affect the character of the building. Secondary glazing can usually be installed without the requirement for listed building consent. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%."

The applicants have raised the fact that double glazing would be a public benefit in terms of environmental impact. However, as noted in the Conservation Officer's comments, there are ways in which energy efficiency can be improved without the addition of double glazing. Additionally, as this is a small-scale scheme, the level of public benefit associated with lower energy cost is not considered to outweigh the harm caused to the listed building via double glazing. In any case the manufacture of new windows as proposed would likely result in a higher carbon impact than the proper repair of the original single glazed windows as well as resulting in unacceptable harm to the Listed Building and its historic fabric and the character and quality of the wider Conservation Area.

The proposals fail to comply with Local Plan Policy HE1.

Impact on the amenity of neighbouring occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The proposals will not result in any additional loss of amenity over and above the existing layout.

### Summary

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits to outweigh the harm. The proposals are therefore contrary to Local Plan Policy HE1. It is recommended planning permission is refused.

### **REFUSAL REASONS**

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

---