

**Application No:** [W 23 / 0804 LB](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jane Catterall

**Registration Date:** 05/07/23  
**Expiry Date:** 30/08/23

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**42 Leam Terrace, Leamington Spa, CV31 1BQ**

Replacement of single glazed windows with heritage slimline double glazed timber windows in the style of existing. FOR Mr Matt Finch

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This application is being presented to Planning Committee as 4 letters of support have been received and the application is recommended for refusal. This Listed Building Consent application has been submitted following Application W/23/0222 which relates to Planning Permission for the same works and received 7 letters of support. Application W/23/0222 was initially set to be determined at the August Planning Committee, however the applicant had requested a postponement so that he could speak in support of the proposal.

**RECOMMENDATION**

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission to replace the existing single glazed windows on the dwellinghouse with heritage slimline double glazed windows. All of the windows to the principal elevation and 4 units to the rear are proposed to be replaced.

**THE SITE AND ITS LOCATION**

42 Leam Terrace is a mid-terrace dwelling located in the Royal Leamington Spa Conservation Area which is the final property in a row of seven terraced properties (30-42) that are all Grade II Listed. The property is a three storey dwellinghouse with a basement flat and is characterised by brick with a painted, light blue front façade. All of the windows are currently single glazed timber units.

**PLANNING HISTORY**

W/23/0222 – Replacement of single glazed windows with heritage slim line double glazed timber windows in the style of existing – yet to be determined.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

### Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

### Guidance Documents

- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

**Conservation Advisory Forum** - Object to the proposal as it is considered to undermine and harm the historic character and significance of both the heritage asset itself and the wider conservation area.

**Public Response** - Four support comments have been received on grounds that the proposal will improve the energy efficiency of the property.

## **ASSESSMENT**

### Impact on Listed Building and Conservation Area

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 conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority 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(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

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 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area. This is echoed within Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan which requires that proposals within conservation areas should demonstrate how they harmonise with the existing character of the area in terms of design, scale, and external facing materials.

The Council's 'Windows in Conservation Areas and Listed Buildings' Supplementary Planning Guidance specifically advises that double glazing will not be supported in listed buildings and recommends the use of secondary glazing to improve energy efficiency.

The replacement of windows on historic, listed buildings should be considered a last resort once repair and restoration have been deemed unsuitable. The primary reason behind this stance relates to the fact that such windows are considered an integral component of a buildings architectural and historic significance of the heritage asset.

Unique, handmade joinery and glass forming techniques that cannot be replicated by modern production are part of this character and as such, we afford windows great protection due to their importance in the context of the building, both architecturally and historically, but also their delicate and irreplaceable nature.

Upon inspection, it has been noted by both planning and conservation officers that the existing property contains historic glass to its principal elevations, with this glass having a varied surface texture that would not be able to be replicated by a more modern, double glazed replacement.

This varied surface texture can be distinguished through the distortions and ripples in the glass that are present when viewed from different angles, with this also being noted by the Conservation Advisory Forum. Double glazing results in a

notoriously flat effect, which would therefore immediately undermine the existing character of this historic building and is thus considered to result in unacceptable harm to both the building itself and the wider Conservation Area.

On principal 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. As established, the existing windows form an important component of the historic character of this particular Listed Building, and this proposal is considered to be harmful by virtue of the loss of one of property's integral character components.

In regards to the proposed double glazed units, these are considered to have a harmful effect, undermining the integrity and significance of the building as these will be clearly modern additions, exacerbated by the flat effect of the glazing and the considerable size of the fenestration, and will impact not only the heritage asset in question but also the wider street scene of the conservation area. These would visually isolate the building from the terrace and would detract from the historic character of the street.

The proposed replacement of these single glazed units with slim line double-glazed units is considered to constitute harm and is therefore considered to contravene paragraphs 199 and 202 of the NPPF and Policy HE1 of the Local Plan. Moreover, whilst the proposal will undermine the historic character of the heritage asset itself, it is also considered to result in an adverse effect upon the wider conservation area and is therefore considered to be in conflict with Local Plan Policy HE2 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

The rationale behind the proposed replacement of these historic windows appears to be the desire for greater energy efficiency however this can be achieved through different avenues. For example the use of 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 are considered to offer greater thermal efficiency and if fitted discretely, need not affect the overall character of the building. Modified shutters with insulation can potentially reduce heat loss by 60% when closed and this can rise to 77% if secondary glazing is installed too. Further recommendations such as heavy curtains, draft-proofing and regular maintenance of window units have also been given as these can all noticeably improve thermal performance.

In consideration of these units, almost all of the existing windows appear to be in a good condition, so more regular maintenance would be much preferred to the complete replacement of all units. All of the above alternatives are considered to

represent more acceptable options than what is proposed, primarily by virtue of the fact that they would not result in harm to the historic fabric of the listed building.

The predominant notion present within the comments received in support of this application relate to how the proposal will increase levels of energy efficiency and make the property more sustainable overall. However, as noted in this report and in comments made within the Conservation Advisory Forum, there are ways in which energy efficiency can be improved without the addition of double glazing, thereby involving significantly less harm to the Listed Building than is proposed here.

The harm identified is considered to be less than substantial. However, it is considered that the improved energy efficiency of a single building does not constitute public benefits sufficient to outweigh the harm which is to be afforded significant weight, particularly in light of the fact that there are more sensitive alternatives available to achieve a similar outcome.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

## **SUMMARY AND CONCLUSION**

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits which are sufficient to outweigh the extent of that harm. The proposals are therefore contrary to the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan. It is therefore recommended that 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.