

STATEMENT OF CASE

I wish to appeal against the decision by High Peak Borough Council planning officers to refuse my Planning and Listed Building applications to repair, refurbish and reglaze the windows of my Grade II listed property on their grounds that:

The proposed works would result in the loss of historic fabric and the proposed replacement windows are not of an appropriate design or detailing and would result in the installation of an incongruous form of development which is harmful to the special architectural and historic interest of the listed building. This harm has not been outweighed by public benefit.

The concerns with the development were so fundamental that despite negotiations with the applicant the LPA are unable to grant consent.

Despite the rather severe wording of the refusal, it appears to be based purely on my insistent wish to install effective slim line double glazing, a conclusion confirmed in a subsequent telephone conversation with the Planning Officer and evidenced by the fact that otherwise the proposal was to retain the wooden sashes in their current appearance. The key issue, therefore, is not whether the windows should be repaired and refurbished but what sort of glazing should be permitted.

When my wife and I bought this apartment two years ago we knew that the windows would require serious attention. Not a single window on the premises works correctly. All the upper sashes are painted in, as are several lower sashes, as well as missing sash cords and latches. Indeed, only 4 lower sashes out of 14 can still be opened. The edges of several sashes have to be stuffed during the winter months to minimise drafts, not to mention the cold that penetrates directly through the panes. Little visual evidence remains of historic workmanship, and there is some dreadful external painting intruding over 2cms onto the edges of some of the panes. (see Attachment detailing internal condition of the sashes)

Correspondence with the Planning and Conservation Officers

From the outset I found the attitude of the two Planning Officers (the first left early on) sympathetic and helpful. They were both prepared to query certain Conservation Officer (CO) observations, to mediate between me and the CO and to seek a compromise - resulting in some 6000 words of correspondence (attached). I do not understand why the CO's comments included in the Delegated Decision Report are taken from her initial response, dated 2 Dec 2022, since on 9 March 2023 I made a comprehensive reply, including updated Heritage and Design and Access Statements and providing all the additional information requested. The statement in the Report that my application does not explain how it will address the necessary methodology is at odds with the subsequent CO comments quoted below. Clearly the CO remained opposed to any suggestion of double glazing throughout, despite asking for a repair schedule and method statement (14/3/23), which I duly supplied, showing only a minority of the panes to be original. Nevertheless, without, I believe, ever fully appreciating the terrible state of the windows, the CO did eventually accept the need for repair and refurbishment and her responses dated 31 July 2023 listed her conditions and requirements for the repair and refurbishment of the sashes, including:

- *Appears 'refurbishment schedule' (page 2 on second response to myself) is suitable.*
- *If total replacement is required, I would like notification and photographs.*
- *Would like to see proposed replacement fittings. Image or URL link will suffice.*
- *Brushes at meeting rails to be concealed.*
- *Photographs of before, during and after required.*

Whilst considering that these comments were mainly about self-evident good workmanship and ensuring that repairs would be undertaken in line with Historic England's guidelines on the care, repair and upgrading of traditional windows, I indicated in my response (dated 18 Sept 2023) that, apart from the stance on secondary glazing, I found them acceptable and could comply with them. I can also vouch for the quality of workmanship of my contractor, who did similar work on my previous property in a Conservation Area (cf. attached Image N)

So this appeals revolves primarily around glazing and seeks to answer the various objections raised by the Conservation Officer.

Grosvenor Mansions

Originally comprising three mid-19th century terraced townhouses, Grosvenor Mansions impresses with its imposing size and symmetry. However whilst significant in their symmetrical disposition the windows themselves are not particularly unusual. They are simply single pane, side hung, vertical sliding sashes, on the front elevation in standard canted bays, pictorial examples of which barely feature in Historic England Guidance.

Nowadays, Grosvenor Mansions comprises 13 apartments, each one owned, and for the most part occupied, by the 13 shareholders of Grosvenor Mansions Management Ltd. The apartments are not "heritage homes"; they provide a mix of middle priced accommodation (£250-£450k) and are not posh despite their address! But we all very much appreciate the historic significance of the building and we all willingly spend money to maintain it in good order – including the odd window replacement over the years - and to ensure its sustainability and saleability in the future. Sustainability is, of course, a key element in protecting historic buildings and we were all dismayed by the assertion of the CO that "the same level of comfort experienced in a modern or 'new build' house is not wholly achievable in buildings built of 1800 (in this case) construction". (CO Response dated 14 March 2023). This is a counsel of doom which, taken to its logical conclusion, will eventually lead to the depopulation and ultimate loss of older properties.

All the current shareholders (bar one, whose apartment is on the market and is now away) have taken a keen interest in my application; they share the concerns set out in this Statement. They have all had sight of this Appeal and each one has authorised me by email to declare their unanimous support for it. They are listed at the end of this Statement and, if required, they will provide individually signed declarations to this effect. The Decision Report notes that there were no public comments or objections to the application.

The Location of Grosvenor Mansions on Broad Walk

One factor in the listing of Grosvenor Mansions is their location on Broad Walk, a promenade of mainly mid-19th century villas and townhouses facing ornamental gardens, all of which are GII listed. However, Broad Walk is now far from homogeneous. Next door is 100 metres of the charmless 1970s council-built Milton Court, sheltered retirement premises, complete with UPVC double glazing throughout. Below my apartment is a dental practice, complete with commercial signage, and there are three hotels along Broad Walk. In contrast to most well maintained frontages, Hidden Hearing at No 18 was granted retrospective permission to erect modern (not original) bollards to separate the sea of tarmac covering its frontage from the promenade. This frontage is now regularly packed with parked cars, prompting a passer-by to ask: "What's that - a used car lot?". It is mystifying that the CO could claim that these various incursions along Broad Walk are "subservient and neutral to the whole" (comments dated 14 March 2023). In contrast, my new windows will enhance the visual effect of the promenade's buildings.

Original Glass and Historic Workmanship

It is clearly the status of original glass and the importance of preserving it that explains the CO's opposition to my application. I fully understand the attraction of original glass and, when it is uniformly present, for example in the Octagon building in the adjacent Pavilion Gardens, it can be strikingly beautiful. However, the glazing in this apartment, and in the whole building, is much more varied with a mix of some original glass alongside various panes replaced over the years. I have found it extremely difficult, even with the advice of an experienced heritage architect, to identify with absolute certainty which panes are original. However, we are fairly certain that there is no original glass in the main windows that overlook Broad Walk and that of the 38 panes at issue in total, probably only 11 are original. These are scattered around the side and rear elevation windows, mainly in the upper sashes in the bedrooms and rear service windows.

The CO also suggested, in theory at least, that the sash frames are too narrow to accommodate double glazing. However, my builder produced a drawing (cf. Window Glass Detail.jpg in attached pack of Validation docs and Image J) which demonstrated that the sash frames in this apartment could accommodate up to 14mm of glazing, more than enough for regular slimline, let alone even slimmer, double glazing options.

The only visible evidence of historic workmanship are the wooden sashes themselves. The application has always been committed to retaining, repairing or, in very occasional cases of necessity, replacing elements of the wooden frames so that the appearance of the sashes will be unchanged. The other items of heritage workmanship, if indeed not already previously replaced - sash cords, pulleys and latches – are generally missing or in a dire condition. It is difficult to understand, therefore, how this squares with the reference in the Refusal to *“loss of historic fabric and inappropriate design or detailing”*.

Discontinuity of Glazing along Broad Walk

It is also the case that a variety of glazing can be found along Broad Walk. Milton Court and one of the hotels have UPVC double glazing throughout. There is some secondary glazing, casting its familiar shadows and reflections, and then there is the desperate cling film in the first floor windows of one villa. (attached Images L) There are also examples elsewhere of double glazing, including the ground floor behind one of the most attractive frontages along Broad Walk at No 16, for which retrospective permission was granted. (attached Image M) This discontinuity of glazing can also be found in Grosvenor Mansions; double glazing in my premises will not create any more discontinuity than is already apparent.

A Local Precedent for Double Glazing in a GII Building

A further precedent is to be found in #12 Spring Gardens, the Fitzgerald's Bakery building, which has been impressively refurbished as a HAZ project and lauded by Historic England in the local press. This building is in a far more conspicuous high street location than my apartment and is, of course, discontinuous with the neighbouring, un-refurbished GII listed buildings. The proposed choice of glazing is openly mentioned in para. 9.6 of the Design, Access & Heritage Statement of the Application for Listed Building Consent (KP/2022/0321) and elicits no response from the Conservation Officer.

Secondary Glazing

The Conservation Officer wants us to use secondary glazing. Secondary glazing may be reversible but it is far more unsightly than double glazing, casting shadows around the outer edges of the frame and reflecting any details of the inner pane. The CO's contention that the photograph I provided (attached Image K) only showed these shadows because it was taken at a certain time of day is unsupportable; these shadows are observable throughout the year.

It may be that secondary glazing is much better suited to fixed or horizontal windows but is particularly awkward, if not impractical, in sash windows. For example, to make full use of a sash window to provide good ventilation on a hot day, opening both upper and lower sashes of a secondary glazed window can require as many as six actions to get the positioning right cf. just two actions with a double glazed window. Again, an open secondary glazed unit can result in a spectacle of as many as eight meeting and top and bottom rails and is far less attractive than the four rails visible from a normal open sash window. Furthermore, to use secondary glazing in areas such as kitchens, bathrooms and bedrooms, with their potential for significant condensation and therefore needing regular ventilation, would be entirely counterproductive since the two sets of inner panes as well as the inside pane will all steam up and be difficult to clear. Currently, for example, our kitchen window suffers serious condensation and I simply can't imagine wrestling on a daily basis with secondary glazing in this situation.

The beauty of the sash window concept and the climate

Climate change is clearly a factor in my appeal. Sash windows are a brilliant invention. Their ability to provide effective ventilation by opening both top and bottom sashes will be increasingly invaluable as the climate heats up. However, a greater worry, of course, is energy loss. High Peak Borough Council has declared a climate emergency. Nowadays, as individuals, urged on by both national and local government, we are all seeking to reduce our carbon footprint and conserve energy. The only available option in a building such as this, where all other methods are impossible, is double glazing. One formula has suggested that double glazing all the windows in this apartment would save 2000kg of CO₂ a year. In a recent lecture Chris Stark, Chief Executive of the UK Climate Change Committee, stated that one of the major obstacles in the UK's ambition to become carbon neutral is the state of its housing stock. QED!

From the outset my application has referred to the use of slim line double glazing. In a late conversation with the Planning Officer I suggested that we might consider Landvac glazing. It appears that there are now some very thin glazing options with all the advantages of double glazing. I would certainly be willing to operate within any affordable conditions regarding choice of such glazing.

I find it hard to believe that High Peak Borough Council, with its publicly stated commitment to a greener planet, would still want to cling to an understandable but anachronistic wish to prioritise a few panes of original glass over the potential for significant energy saving glazing in an ordinary residential property. This is now a political and not just a conservation issue. Much of my final submission to the Planning Officer was drafted in the expectations that it would be considered by the Planning Committee and I was disappointed to learn that this was not in fact the case; I had not realised that I should have asked a local councillor to have my case elevated, if possible, to Committee level.

Historic England

A close reading of Historic England guidance on GII buildings and windows is also revealing and illustrates a gradual change in thinking at this level about heritage and climate. In Traditional Windows (back in Feb 2017) it is clear that HE is confronting the growing challenge of heat loss through single glazing and so engaging in detailed discussion of alternative solutions. Whilst HE certainly does not generally advocate double glazing, equally it does not condemn it out of hand but suggests advice for instances where it may be used. The following two direct quotes evidence this: "For some types of older window, it may be possible to fit double glazing if the window frame sashes or casements are thick enough." and "Where historic windows or replacement windows of historic pattern survive without historic glass it may be possible to introduce slim-profile double-glazing without harming the significance of the listed building."

In conclusion

The arguments in this Appeal are as follows:

- This is a GII listed property that sits amongst other GII listed properties and amenities.
- Over the years significant variations, at times inconsistent with GII criteria, have been introduced., creating discontinuities.
- The window sashes in this property require significant repair and refurbishment.
- Repair to the sashes can be undertaken without significant damage to their historic appearance.
- This work must also involve upgrading the glazing to reduce energy loss and improve ventilation.
- Secondary glazing would be unsightly and impractical.
- Double glazed sash windows would maintain the best working and visual qualities of sash windows.
- There are now slim and ultra slim products available which address technical concerns about width, and the applicant is open to negotiation regarding best choices.
- There are examples and precedents for double glazing in GII premises elsewhere on Broad Walk and in the town.
- The imperative to conserve energy has now to be more important than preserving a few, generally inconspicuous, examples of historic fabric in a regular residential property.
- A realignment of climate and conservation priorities is now a political issue and cannot be left to a Conservation Officer alone.

This Statement is wholeheartedly and unanimously supported by the Shareholders / Owners of the Grosvenor Mansions apartments:

Flat1: Mike & Ann Wilde
Flat 2 David & Tricia Swift
Flat 3 Jeannie Teece
Flat 4 David Vaughan & Jane Barrett
Flat 5 Joan Rushton
Flat 6 David & Frances Bindley
Flat 7 Kevin & Ladan Ratcliffe
Flat 8 (vacant, on the market)
Flat 9 Peter & Sue Quas-Cohen
Flat 10 Chris & Julie Carroll
Flat 11 Gill Milward
Flat12 Angel Gomez & Michael Schmidt
Flat 13 Mark Beattie