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## Appeal Decisions

Site visit made on 15 July 2024

**by H Smith BSc (Hons) MSc MA MRTPI**

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

**Decision date: 4<sup>th</sup> September 2024**

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### **Appeal A Ref: APP/H1033/W/24/3341179**

#### **6 Grosvenor Mansions, Broad Walk, Buxton, Derbyshire SK17 6JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr David Brindley against the decision of High Peak Borough Council.
  - The application Ref is HPK/2022/0399.
  - The development proposed is the repair and restoration of all sash windows.
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### **Appeal B Ref: APP/H1033/Y/24/3340639**

#### **6 Grosvenor Mansions, Broad Walk, Buxton, Derbyshire SK17 6JH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr David Brindley against the decision of High Peak Borough Council.
  - The application Ref is HPK/2022/0400.
  - The works proposed are the repair and restoration of all sash windows.
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### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. The evidence submitted by the appellant refers to a bathroom window needing replacement. However, the submitted plan showing the proposed replacement windows (drawing no: Brindley/01, dated: Sept 2022) does not include the elevation where the bathroom window is located. For the avoidance of doubt, I have assessed the proposed development and works as shown on the submitted plans.
6. The Council's officer report and statement cite effects of the proposal on the character and appearance of the Buxton Central Conservation Area (the CA). These are not included in the reason for refusal in each decision notice, although conflict with section 72 of the Act is. As decision maker in discharging the statutory duty under section 72(1) of the Act to pay special attention to the

desirability of preserving or enhancing the CA's character or appearance, I have raised this matter to a main issue. As the parties have addressed this in their evidence, I am satisfied that their interests would not be prejudiced by this approach.

7. The description of development and works in the heading above has been taken from the appellant's application form. I have not included the additional text shown on the application form as this was superfluous. It is clear from the Decision Notices that the Council dealt with the proposal on this basis and so shall I.
8. The appellant refers to Landvac Glazing and that he is open to negotiation regarding the best choices of glazing. However, I have determined the proposal based on the details and information before me. No parties are therefore prejudiced in my approach to determining the appeals.

### **Main Issue**

9. The main issue is whether the proposal would i) preserve a Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Buxton Central Conservation Area.

### **Reasons**

#### *Special interest and significance*

10. The appeal site is a first floor flat addressed as 6 Grosvenor Mansions (Flat 6) and forms part of a listed building known as Numbers 1, 2 and 3 Grosvenor Mansions. Grosvenor Mansions is a Grade II listed building<sup>1</sup> located on Broad Walk, a promenade of mainly mid-19<sup>th</sup> century villas and townhouses. The listed building has a prominent position with its principal elevation facing towards Broad Walk and the Pavilion Gardens, a Grade II\* listed registered park and garden.
11. Grosvenor Mansions is a row of 3 villas or townhouses built during the mid-19<sup>th</sup> century. It is a 3-story building plus attics and basement constructed from rock-faced millstone grit with ashlar dressings and Welsh slate roofs with stone stacks. The building is now divided into several residential flats and a dental practice. The proposal relates to a residential first floor flat in what was the third townhouse.
12. The listed building has an imposing size and symmetrical structure, with 3 modestly grand entrances at what would once have been the main doors to the original townhouses. Its uniform projecting pairs of two-storey canted bay windows with plain sashes and hipped lead roofs, form a key identifiable feature of this property.
13. Flat 6 is accessed from the rear of the premises on Hartington Road. The side elevation of Flat 6 faces towards the side of Milton Court, a 1970s development of retirement flats. Its front elevation faces towards Broad Walk and the ornamental gardens. Pertinent to the appeals, the windows of Flat 6 mainly consist of single pane, vertical sliding sashes, and on the front elevation there

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<sup>1</sup> List Entry Number: 1259389, Numbers 1, 2 and 3 Grosvenor Mansions, date first listed: 31 January 1997.

- are 2 standard canted bays with flat front and angled sides and a large central vertical sliding sash window, giving a symmetrical disposition.
14. The windows in the appeal property are of classic sliding-sash form and detail, as well as being constructed of traditional materials. As such, they are important features of the building which positively contribute to its character, appearance and thus its heritage merit.
  15. I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its symmetrical design and its illustration of former high-status townhouses located within a prominent position. It is also drawn from the building's historic fabric and features that survive from the physical origins of the listed building. A key element of which is the listed building's timber sliding sash fenestration, some incorporating historic glass, which connects the building's past character and interest to the present.
  16. The listed building is located within Buxton Central Conservation Area (CA), which was designated as a CA in 1968. The CA encompasses the buildings and spaces fronting Broad Walk. Most of the buildings along Broad Walk are large Grade II listed villas, with many of them now divided into flats. However, there are some exceptions, such as the unlisted block of 1970s style retirement flats. The buildings are positioned above the road, and the surviving villas still have a strong imposing presence overlooking Broad Walk and Pavilion Gardens.
  17. The special interest and significance of the CA mainly stems from the variety and architectural richness of its historic buildings that denote its evolution. By virtue of its historic and architectural integrity, Grosvenor Mansions adds considerably to Buxton's historic and aesthetic charm. In doing so, it positively contributes to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

#### *Proposal and effects*

18. Permission is sought for development and works to the first-floor existing windows on the building for Flat 6 including, the retention and repair of the historic timber frames and sashes, installation of new draught proofing and reglazing of the sashes with slimline double glazing.
19. I acknowledge that some of the existing windows are unlikely to be original, however they are of a suitable material, design and constructional technique which is authentic and characteristic of the period when the building was constructed. I also observed that several of the existing glass panes appeared to have an uneven finish with ridging or air bubbles indicative of historic glass and which gave them depth and historic character.
20. The retention and repair of the existing timber frames and sashes, along with adding draft proofing would, subject to detail, have the potential to sustain the heritage interests of the listed building while enhancing the windows' thermal efficiency.
21. However, the installation of double-glazed units within the existing sashes would involve the irreversible loss of historic glass. Whilst I note the appellant's assertion that historic glass is present in only 5 windows, it would nevertheless weaken the building's heritage value in this respect. Moreover, the very flat and highly reflective nature of the double-glazed units would not replicate the

slenderness and fragility of a single-pane unit. Thus, this would alter the building's character and reduce its historical merit.

22. The proposal's details lack precision and sufficient content, making a meaningful assessment of the proposal impossible. The application states that the unit 'may be slimline 11 or 12mm double glazing' for some windows with 14mm units in others, with no detail provided of the 11 or 12mm units or of any glazing bars. Whilst a basic section detail is provided of the 14mm unit, it is very clear from this that to accommodate the double-glazed unit, the profile of the decorative moulding on the existing sashes would change. There is also no evidence as to whether the existing timber frames could support the double-glazed units' weight. This raises concerns regarding the practical feasibility of the sashes to accommodate this change. From the limited information provided, overall, the proposal would alter the authenticity and integrity of the listed building and in doing so erode its heritage interests.
23. From the submitted images and my observations on site, it is evident that some of the existing sash windows are deteriorating. Nevertheless, no detailed condition survey of the existing windows, including status of the current glass, has been undertaken by a suitably qualified person. Therefore, I cannot be certain that the existing timber sashes and glass panes could not be repaired and refurbished by an experienced tradesperson, which may address some of the issues raised by the appellant.
24. In the absence of substantive evidence, I find that this proposal would erode the special interest of the listed building and have a harmful effect on its understanding and appreciation. The harmful effects would not be mitigated by conditions.
25. Taking into account the building's prominence along Broad Walk, it follows that the identified negative effects to the listed building would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.
26. Drawing the above together, the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Buxton Central Conservation Area. In doing so it would harm the significance of these designated heritage assets.

#### *Public Benefits and Balance*

27. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
28. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposed inserts along with the general investment into the property. Additionally, social, environmental and heritage

benefits would be generated through improvements to the local housing stock, which the appellant asserts would be through the avoidance of condensation and drafts, improved ventilation and access and egress in an emergency. There would also be enhanced thermal efficiency of the building and a consequent reduction in its carbon footprint. Although limited information has been provided on these matters, they would represent benefits to the public at large that carry weight in favour of the appeals.

29. Although there is clear national and local support to meet the challenge of climate change, the Framework is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, which I have found the proposal would not do.
30. I have given careful consideration to the appellant's comments concerning the severity of the issues caused by the existing windows and the practical problems of secondary glazing as an alternative option. Nevertheless, I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the development and works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building has not been clearly and convincingly justified.
31. While I note the appellant considers double-glazed windows are easier to maintain and would provide reduced energy bills and improved security, I have not been presented with evidence to suggest that the proposal would perform significantly better than the existing windows or secondary glazing. I consider such benefits in this regard would be likely to accrue to private interests rather than being wider public benefits.
32. On balance, in giving considerable importance and weight to the harm to the significance of the listed building and the CA, I find that this would not be outweighed by the limited public benefits arising from the proposal.
33. I conclude that the proposal would not i) preserve the listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy EQ7 of the High Peak Local Plan (adopted 2016). This policy, amongst other things, seeks to ensure proposals contribute positively to the character of the built and historic environment.

### **Other Matters**

34. I acknowledge the submitted representations of support, which included support for energy efficiency and security improvements. However, none of the evidence before me leads me to a different view.
35. The appeal site sits within a cluster of listed buildings, including several Grade II listed buildings along Broad Walk and Grade II listed mid-19<sup>th</sup> century lamp standards positioned near to the park. From the limited information before me and my observations on site the special interest and significance of these

assets primarily stem from, singularly or in combination, their historic and/or architectural interests. However, they are also derived, to a greater or lesser extent, from their respective townscape settings.

36. Given the location and extent of the proposal, the settings of these designated heritage assets would be preserved and the contribution they make to the assets' significance would not be harmed. This would meet the requirements of section 66(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policy EQ7 of the Local Plan referred to above. I note the Council raised no concerns in this respect either.
37. The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). However, given my findings above in respect of the heritage assets, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeals for other reasons, I have not taken this matter further.
38. My attention has been drawn to a development at 12 Spring Gardens, the Fitzgerald's Bakery Building, which the appellant indicates is a Grade II listed building, although the Council state it is not. Nevertheless, the specific details and circumstances which led to this development being accepted are not before me. On this basis, I am unable to draw any meaningful comparisons with the appeals proposal. This reduces the weight I can attach to this matter in support of the appeals.
39. The appellant also states that a variety of glazing can be found along Broad Walk, including Milton Court and a hotel that has uPVC double-glazing. However, Milton Court is not a listed building and therefore not subject to the same stringent requirements of the Act as the appeal property. With regards to other listed buildings, there is insufficient evidence before me to indicate that windows in these other properties have been granted planning permission to change historic windows to double-glazed units. In any event, the presence of double-glazing in other buildings nearby, listed or unlisted, is not, in itself, a reason to allow unacceptable development and works. I have determined these appeals on their own individual merits based on the evidence before me and the development plan context as it currently exists.
40. I note the appellant was disappointed that his application was not considered by the Council's Planning Committee. Nevertheless, that is not a matter for my consideration.

## **Conclusion**

41. Appeal A: The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that Appeal A should be dismissed.
42. Appeal B: For the reasons given, I conclude that Appeal B should be dismissed.

*H Smith*

INSPECTOR