



PLANNING APPEAL DECISION NOTICE

Planning Tribunal Hearing held on 14th November 2019 at Les Cotils Christian Centre, St Peter Port, preceded by a visit to the appeal site

Members: Mr S Fell (Presiding), Mr D Harry and Mr M Dunster

Appeal Site: Ville-es-Pies, Vale

Property Reference: C004950000

Planning Application: FULL/2018/2593

Appeal Reference: PAP/015/2019

- The appeal is made under the provisions of Part VI and Section 68 of the Land Planning and Development (Guernsey) Law, 2005 (“the 2005 Law”).
- The Appeal is by Mr J Henry against the decision of the Development and Planning Authority (“the Authority”) made on 19th June 2019 under Section 16 of the 2005 Law to refuse planning permission for development described on the decision notice as: *“replace existing windows on front elevation with new design PVCu windows”*.
- Messrs J Henry, son of the appellant, attended the site visit and the Hearing and with his father’s consent spoke on behalf of his father.
- The Authority was represented by Mr J Rowles, Director of Planning, Mr C Holden, Case Officer, and Mr N Joyce, Conservation & Design Officer.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Ville-Es-Pies is a two-storey house that has its main frontage facing west across the principal road that runs through the settlement of Ville-es-Pies. The house is a protected building that lies within the Bordeaux Conservation Area.
3. The appeal arises from the refusal of a planning application to replace the thirteen, existing, single-glazed, sliding sash timber windows in the main façade of the house with sliding sash PVCu windows. While the planning application sought approval for two-pane windows, Mr Henry had indicated in pre-hearing correspondence and also during the Hearing that his father would be willing to accept windows in a small-pane configuration.
4. Mr Henry explained that the reason for wishing to replace the existing windows was that they were old and draughty, providing minimal standards of thermal insulation, thus giving rise to unacceptably poor comfort conditions within the house. As his father is elderly, this is an increasing cause of concern.
5. We noted that no detailed constructional drawings or specifications of the proposed windows were submitted with the application, the only information being the glazing diagrams provided by the intended supplier. We were therefore unable to gain a precise impression of the size of the main components of the windows such as cill, sash boxes, sash frames and glazing bars that give any sash window its distinctive character. In these circumstances we relied upon our general familiarity with the form and appearance of PVCu sash windows that are generally in use.

Planning Policy considerations – the protected building status

6. The designation of Ville-es-Pies as a Grade B protected building was triggered by the submission of the planning application now under appeal. Planning policy GP5 deals with protected buildings. In relation to the issues arising in this appeal the key phrase contained in the policy is as follows:

“Proposals to extend or alter a protected building will be supported where the development does not have an adverse effect on the special interest of the particular protected building or its setting...”

7. In making our assessment of this proposal, the key test that we have therefore applied is whether the proposed development would have an adverse effect on the special architectural or historical interest of Ville-es-Pies. A Summary of Special Interest for the property, which is an indicative description of its important qualities and features, is contained within the official Entry into the Protected Buildings List. This states:

“The Ville es Pies appears to be an early 19th century building possibly on the site of an earlier pre 1787 building, elements of which are possibly retained hidden in the structure. The decorative formal façade which includes a finely carved front door set into a classical doorcase; together with the stone walling around and within the site, and the associated

coursed cart shed are all of special interest and contribute to the setting. The building has been subdivided into three dwellings but in a way that has allowed the survival of interior and features which are generally authentic and rare. The building has a breadth of Historic and Architectural Special Interest but in particular the Authenticity, Ornamentation and degree of Survival”.

8. In addition to the special interest set out in the Authority’s description, we drew further conclusions from our site visit, and we were grateful to Mr Henry Senior for allowing us to invade his home and inspect the windows and parts of the interior of the house.

Main Issue – Whether the proposal would have an adverse effect on the special interest of the protected building

9. We have formed the view that the main issue in this case revolves around the architectural and historical significance of the house exterior, the quality and condition of the existing windows, and the impact the proposed PVCu windows would have on the special interest of the house frontage.
10. We saw that Ville-es-Pies has a prominent road-facing façade. It has the appearance of a traditional, symmetrical five-bay house with central doorway, to which a two-bay extension has been added on the northern gable. The entire façade has at some time been rendered in a fine pebble-dash finish. This is framed visually with rendered pilaster strips at the gable ends, and it is further embellished with moulded rendered frames around the windows. The two-panelled door is set within a decorative surround under a projecting moulded cornice. The house is set back from the roadway at a slightly lower level and the garden is contained behind a low granite boundary wall to the west, and taller walls to the north and south.
11. The windows are timber, vertical-sliding sashes, and the glazing patterns are of two kinds. The upper seven windows are in a six-over-six pane arrangement, while the six ground floor windows, which appear slightly shorter, follow a three-over-three pane layout. The construction and detailing of the windows, especially the fine moulded glazing bars and the hand-made glass that survives in some of the panes, suggest a date within the early decades of the 19th century. It is our view, and one that is shared by the Authority, that this is a good example of a high-quality, traditional rural house frontage, where the key architectural elements, the door and windows, retain good detail and an authentic historic character.
12. Our inspection of the ground floor windows and one of the upper windows shows that decay is present in some of the cills and sash boxes, but this appears to be localised. There is evidence of recent joinery repairs to some of the windows. Overall, however, we judge the windows to be in reasonable condition for their age; a sign that they have been well maintained.

13. We consider that, for two reasons, the replacement of these windows with PVCu substitutes will be harmful to the special architectural and historical interest of the house. First, because the removal of these historic windows will involve the destruction of important, authentic historic features which appear capable of retention and upgrading, for example by repair, draught-stripping and the fitting of interior secondary glazing. Such work should materially improve the comfort conditions within the house. Second, in our experience, even the best quality PVCu windows are unable to replicate the refined construction and slender dimensions that the existing timber sash windows possess, with the consequence that the quality of these important elements within the principal façade would be coarsened. For these reasons we conclude that the proposal would have an adverse effect on the special architectural and historical interest of the house, contrary to the aims of Policy GP5 of the approved Island Development Plan.
14. In reaching this conclusion we are acutely aware that the underlying motivation for this proposal is to improve living conditions within the house. We believe that in circumstances such as this, where the owner/occupier is elderly, the Authority has some obligation to lessen the burden that protected building ownership can impose by providing constructive advice on the means by which the performance of the existing windows might be improved. We are reassured by the fact that Mr Rowles undertook during the Hearing to make such advice available to Mr Henry in a timely manner.

Second Issue – Whether the replacement windows would conserve or enhance the character and appearance of the Conservation Area

15. In dealing with development proposals within Conservation Areas the Tribunal is bound by the provisions of Section 38(1) of the Land Planning and Development (Guernsey) Law, 2005, which states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area”.

16. Policy GP4 of the Island Development Plan states that,

“Proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area”.

17. A plan provided by the Authority shows that the Bordeaux Conservation Area is extensive, reaching as far as Bordeaux harbour to the south-east and Ville-es-Pies to the west. A summary of the special interest of the Conservation Area is set out in Annex VII of the Island Development Plan. In the paragraph headed Reason for Designation we find the following extract helpful.

“The relationship of buildings with one another and with the lanes which wind between them, the transition between areas enclosed by buildings and traditional boundaries and areas of open space and the use of materials typical to the north of the Island, provide a particular and special interest to the area”

18. We saw that the western approach to the settlement is distinguished by a tight-knit cluster of older stone buildings that lie close to the narrow road at a point where it turns towards the north east. We understand that this specific locality is regarded by the Authority as forming an identifiable “character group” within the wider Conservation Area. During the site visit Mr Joyce provided a plan showing the extent of this *character group* and a copy of this was provided to Mr Henry. The appeal house stands in a prominent position at a road junction within this distinctive cluster of traditional buildings.
19. In the context of the group of buildings referred to we consider that Ville-es-Pies plays an important visual role. On entering the settlement the road is initially narrow because there are buildings standing directly on the road edge, but the vista then opens up and the house comes into prominence, the long façade being set back behind its walled front garden. The character of the neighbouring buildings and structures is predominantly traditional, both in form and material, and we consider that a significant visual element in this group is the survival of the early architectural features in the Ville-es-Pies façade – its front door and authentic, historic timber windows.
20. We judge that to substitute these old windows with replacements made of synthetic material with less refined detail would not only diminish the architectural quality of the house but would also undermine the attractiveness of its traditional surroundings. The consequence would be to harm the character and appearance of this part of the Conservation Area. Moreover, the approval of this application to remove historic windows that appear capable of repair, and their replacement with PVCu windows, would, in our assessment, make it more difficult for the Authority to resist other, similar applications elsewhere in the Conservation Area. For these reasons, we conclude that this proposal would fail to satisfy the aim of Policy GP4 of the Island Development Plan.

Other Matters

21. We are aware that Mr Henry Senior had missed the opportunity to appeal against the designation of the property as a protected building, and we advised during the Hearing that the merits of the designation are beyond the scope of this appeal. However, in reviewing the special architectural and historical interest of Ville-es-Pies for the purposes of this appeal, we found nothing to indicate that the Authority had departed from its well-established and comprehensive principles of assessment when reaching its decision to give Ville-es-Pies protected building status.

22. We have considered all other matters raised in the written submissions, and seen and heard during or site visit, including submissions on the pros and cons of timber versus PVCu windows in environmental terms, and inconclusive evidence on costs. We also took account of Mr Henry's point that the rear of the house is lacking in visual coherence. However, none of these matters alters the conclusions we have reached on the two main issues arising in this case and we are accordingly unable to support this appeal.

**Stuart Fell DipArch RIBA IHBC
Presiding Member**

Date of Issue: 4th December 2019