

**Case Officer:** Shona King

**Recommendation:** Approve

**Applicant:** Mr Leo Nash

**Proposal:** Like-for-like replacement of four street facing front windows

**Expiry Date:** 4 January 2022

**Extension of Time:** 18 February 2022

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## **1. APPLICATION SITE AND SUMMARY OF SIGNIFICANCE**

1.1. The application site is located on the High Street in Bodicote. It is a Grade II listed building and is within the Conservation Area.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. Consent is sought to replace 4 windows within the front elevation of the property. The proposed windows would be slimline double-glazed units.

## **3. RELEVANT PLANNING HISTORY**

3.1. There is no planning history directly relevant to the proposal.

## **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

## **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **8 December 2021** and by advertisement in the local newspaper expiring **9 December 2021**

5.2. No comments have been raised by third parties.

## **6. RESPONSE TO CONSULTATION**

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BODICOTE PARISH COUNCIL: No objections.

### OTHER CONSULTEES

6.3. CONSERVATION OFFICER: No objection to the principle of replacing the windows but questions the design and would look for betterment in terms of the design omitting the storm-proof detail and top hung casements. As the existing windows are leaded and single glazed it may be worth taking this opportunity to introduce a more

energy efficient flush timber window with either slimline double glazing or a thin heritage glazing product.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

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- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

## **8. APPRAISAL**

8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).

8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or 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.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*

- 8.4. Paragraph 193 of the NPPF directs 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.5. The windows to be replaced were installed prior to the listing of the building and are modern single glazed windows with top hung casements. The application seeks the replacement of the windows in a similar design but with slimline double glazing. The proposal also includes leadwork, which would be applied to one of the sheets of glass.
- 8.6. During the processing of the application officers have tried to negotiate betterment in terms of the design of the replacement windows, however the applicant wishes to retain the existing style with the top hung casements. It is considered that as the property was listed in spite of the modern windows, which are considered to be unsympathetic to the character and appearance of the building, it is not possible to refuse the application. However, as the windows are to be slimline double-glazed units any leadwork would be applied to one of the sheets of glass and as such is wholly inappropriate to a listed building. It is therefore recommended that the leadwork is omitted, and details of the windows be conditioned.
- 8.7. Therefore, with this amendment, it is considered that the development would not represent any significant harm to the significance of the building.

## **9. RECOMMENDATION**

That consent is granted, subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and site plan.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the Quotation prepared by Britannia Windows dated 18 May 2021 submitted with the application, prior to the installation of the windows full details of the windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The windows shall not have any leadwork applied to the glazing. Thereafter, the windows shall be installed within the building in accordance with the approved details.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy

C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Shona King

DATE: 14 February 2022

Checked By: Andy Bateson

DATE: 17<sup>th</sup> February 2022