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## Appeal Decision

Site visit made on 6 January 2026

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

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**Appeal Ref: APP/X1925/Y/25/3369314**

**Keepers Cottage 2A Orchard Way, Breachwood Green, Hitchin, Hertfordshire SG4 8NT**

- 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 John Gass against the decision of North Hertfordshire District Council.
  - The application Ref is 25/00956/LBC.
  - The works proposed are 'replacement of 16 wooden single-glazed windows with UPVC double glazing to provide noise insulation'.
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### Decision

1. The appeal is dismissed.

### Background and Preliminary Matters

2. The appeal proposes replacement windows to a Grade II listed building 'Keeper's Cottage'. In considering whether to grant listed building consent, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have considered the appeal accordingly.
3. The evidence before me refers to a previous proposal to 'replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows' at the appeal dwelling which was refused listed building consent by the Council<sup>1</sup> ('the Refused LBC Application'). Subsequently, the Secretary of State issued a decision dated 10 December 2024 in respect of a purchase notice for the property which had been served on the Council<sup>2</sup> ('the PN Decision'). The PN Decision refused to confirm the purchase notice, but exercised powers under section 35(5) of the LBCA Act to direct the Council to grant listed building consent, if an application is made, for replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows. The PN Decision was in line with the recommendation of an Inspector who had held a hearing and prepared a report dated 26 November 2024 to the Secretary of State ('the PN Report').
4. The Council subsequently granted listed building consent for 'replacement of 16no. single-glazed timber-framed windows with slim profile timber double-glazed windows'<sup>3</sup> ('the Granted LBC') subject to conditions.

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<sup>1</sup> Application ref 23/02418/LBC

<sup>2</sup> Ref PUR/3342127

<sup>3</sup> Application ref 24/02823/LBC

5. The current appeal relates to a further proposal seeking listed building consent for replacement of windows to the dwelling with white uPVC double-glazed windows. The details submitted with the appeal application include a document titled 'Luton Investment Proposal', version 13/05/2025 by Evander (ref HO4231781). This includes product specifications for 16 windows, although having regard to the room descriptions and the proportions and arrangement of the windows shown in the images, the window location numbers do not appear consistent with the numbers annotated on windows in photographs of the building which also formed part of the appellant's submission. I also note that other than for location 1, the product specifications suggest 'bespoke timber replacement frame'. However, this is inconsistent with the title bands which in each case refer to a 'flush uPVC window'. Moreover, the description of works applied for proposes 'uPVC double glazing'. As a result and for the avoidance of doubt, I have therefore considered the proposal as seeking consent for uPVC windows.

### **Main Issue**

6. The main issue is the effect of the proposed works on the special interest of the Grade II listed building, Keeper's Cottage.

### **Reasons**

7. Keeper's Cottage is a two-storey, three-bay cottage which dates to the 17<sup>th</sup> Century or earlier. It is timber framed, and has a roughcast render exterior and a plain tiled roof, although the list entry suggests that the roof was likely originally thatched. Later extensions include a two-storey gable projection to the rear dating to around 1890, a single-storey lean-to to the north east side added around 1910 and a single-storey projection to the south west side which was added as a garage around 1979 and then later converted to living accommodation. Multi-pane wooden casement windows are present to both the historic core of the building and the later extensions, albeit with variations including in their proportions and in their positioning within frames and openings.
8. The list entry indicates that the building is designated including for historic interest associated with its role as former game keeper's cottage to the nearby Kingswalden Park deer park; and architectural interest associated with its architectural quality as a vernacular cottage built in the 17<sup>th</sup> Century or earlier and the high proportion of survival of the historic plan form and historic fabric.
9. The appellant may disagree that the building meets the criteria for listing, but I note that it has been the subject of a relatively recent review by Historic England which concluded that it continued to fulfil the criteria. It currently remains a listed building, and I must consider the appeal on that basis.
10. Furthermore, windows to the dwelling may not be original, but the multi-pane wooden casements are in keeping with the traditional form and materials of the listed building, and I agree with comments in the PN Report that those on the front elevation which sit flush to the frame are particularly attractive, and that even those with storm frames are not overly bulky. Insofar as it relates to this appeal, I therefore find that the existing windows make a neutral to positive contribution to the special interest of the listed building.
11. The appeal proposes replacement of 16 of the existing single-glazed wooden casement windows with white uPVC double-glazed windows. Although there would

- be a loss of fabric through the removal of the existing windows, it is common ground between the main parties that they are non-original, and I note that they would also be removed under the Granted LBC.
12. However and notwithstanding the discrepancies noted above in respect of the window locations and description of the frames in the 'Luton Investment Proposal' document, the replacement windows are shown to be plain, sheet glass with no glazing bars. Even if the fabric is not in itself original, the subdivision of the existing windows into panes by glazing bars is a key element of their traditional appearance in keeping with the building. The loss of this detailing would in my view give the replacement windows an awkward and incongruously modern appearance against the building which would be further exacerbated by the uncharacteristic uPVC materiality in contrast to the existing timber. In the absence of full details of the glazing system, it is additionally unclear whether they would be excessively bulky or disproportionate in comparison to traditional window joinery styles resulting in further discordance.
  13. The appellant has not disputed that the design and materials of the windows would be out of keeping with the listed building and taking the above factors together, I find that the replacement windows would be unsympathetic and detrimental to the architectural character and integrity of the listed building. Accordingly, the proposal would fail to preserve the special interest of the listed building and would cause it harm.
  14. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
  15. The works would be relatively limited in scale against the building as a whole, but would nevertheless have a significant effect on its overall appearance, particularly when taken cumulatively. Overall, I find that the harm to the listed building would be less than substantial in the terms of the Framework, and at a moderate level. This harm carries considerable importance and weight.
  16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
  17. The replacement windows are proposed to provide noise insulation which I understand is sought to address noise associated with London Luton Airport operations given the very close proximity of the runway and flight paths to the dwelling. The appellant indicates that occupiers of the dwelling are currently exposed for an extended time to noise levels above thresholds which the World Health Organisation and Department for Transport agree causes harm to health. The Council's report also highlights a Development Consent Order granted in April 2025 which would result in further expansion of the airport.
  18. The PN Report considered the effects of airport noise on the appeal property and concluded that in its existing state, it can be argued that it is incapable of Reasonable Beneficial Use. From the evidence that is before me in this appeal, I

- have no firm reason to consider that this view was unfounded. Nor to doubt the appellant's position that noise is detrimental to the health of occupiers.
19. I also have no firm reason to doubt that the proposed replacement windows could offer increased noise insulation that would reduce the effects of aircraft noise on occupiers of the dwelling. Although improved living conditions would be a largely private benefit, reducing noise which is detrimental to health could help support the continued residential occupation of the dwelling and so the future of the listed building and would therefore comprise a public benefit.
  20. Be that as it may, the Granted LBC following the Secretary of State's direction in the PN Decision provides for slim profile timber double glazed replacement windows to the dwelling. There is no substantive evidence before me to indicate that such windows would not offer similar levels of noise insulation as the works now proposed.
  21. As to whether the works provided for by the Granted LBC could be carried out, I note that the appellant indicates that the Council has not discharged condition 2 of the Granted LBC which includes a requirement for submission and approval of detailed drawings of the replacement windows (including depth of reveal, external finish, method of opening, details of heads, sills, ironmongery and lintels) with drawings at a scale of not less than 1:20 for elevations and at a scale of not less than 1:2 for horizontal and/or vertical frame sections (including sections through glazing bars).
  22. The direction to the Council in the PN Decision to grant listed building consent, if an application is made, for replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows did not specifically state that such consent should be granted subject to conditions. However, neither did it state that consent should be granted unconditionally.
  23. Moreover, I note that paragraphs 60 and 61 of the PN Report highlight the importance of the profile, fit and detailing of windows and comment that such details could be submitted as part of an application for listed building consent. Insofar as the information before me indicates that such details were not submitted as part of the application for the Granted LBC, I consider the Council's approach of imposing a condition to require such details was legitimate. Furthermore, the requirements of condition 2 of the Granted LBC are consistent with the wording of the condition recommended in the PN Report in the event that the Secretary of State was to decide to grant listed building consent for white uPVC double-glazed windows pursuant to the Refused LBC Application. This includes in respect of a reference to sections through glazing bars which I agree with the Council suggests that glazing bars would be expected as part of the design of replacement windows. The appellant refers to listed building consents issued by the Council elsewhere without additional conditions, but full details have not been provided and I am therefore unable to determine that the circumstances are directly comparable including in respect of the level and adequacy of detail that was provided with those applications.
  24. On that basis, and from the information before me in this appeal, I do not consider the requirements of condition 2 of the Granted LBC to be an unreasonable or unnecessary obstacle to the implementation of the works that were granted.

25. The appellant asserts that condition 2 has proved impossible to comply with. However, the Council indicates that the condition has not been discharged because insufficient details have been submitted and I have no firm reason to find that submission providing appropriate details would not result in the condition being discharged. In my experience, the requirements of condition 2 are not unusual in cases where replacement windows are proposed, and such details are commonly provided as part of applications. It is the responsibility of an applicant to provide necessary details and drawings to support an application, and in the absence of any compelling evidence to clearly demonstrate that these details cannot be provided, I am not persuaded that condition 2 is incapable of being discharged such that it would preclude implementation of the Granted LBC.
26. More widely, the PN Report noted that the appeal property was eligible for noise insulation under a scheme overseen by the London Luton Airport consultative committee, of which the Council is a member, which would offer funding towards windows. The Council now suggests that the Noise Insulation Scheme is operated and funded by the airport, a separate entity from the consultative committee which is purely advisory. The appellant notes that this is inconsistent with the Statement of Common Ground that was submitted as part of the PN Decision process, but I have not been directed to clear evidence disputing that the scheme is in fact operated and funded by the airport.
27. In any event and whether or not the Council is part of the consultative committee, I am unpersuaded that the eligibility of the property for funding under the Noise Insulation Scheme is determinative that any particular proposal to provide insulation would necessarily be acceptable in planning terms.
28. Furthermore, the appellant suggests that the 2022 letter advising that the property was eligible for noise insulation advised that only uPVC windows were available. However, I cannot identify such a statement within the copy of the letter dated 15 March 2022 that was submitted as part of the appellant's evidence. Even if that was the position at the time, the Council's officer report for the appeal application quotes a response from London Luton Airport indicating that the current Noise Insulation Scheme contractor, Evander Glazing and Locks Ltd installs both timber and uPVC windows. The appellant has not provided any clear evidence to the contrary to demonstrate that funding is not available under the Noise Insulation Scheme for timber windows.
29. The appellant does comment that the cost of timber framed windows is considerably higher than uPVC and that the airport has rejected a request from their MP to increase the grant to cover the difference. Be that as it may, there is no objective evidence before me to substantiate the assertion that timber windows would not be a viable option for Keeper's Cottage.
30. For these reasons, I consider that there is insufficient information to determine that installation of the replacement timber windows as provided for by the Granted LBC would be unachievable on grounds of either practicality or viability.
31. Even if that were not the case and I were satisfied that timber windows would not be achievable and there would be no alternative to uPVC replacements, there is no compelling evidence to demonstrate that a far more sympathetic approach to the design of windows to that shown in the appeal proposal could not be taken. Although differences in the materiality and fine detailing relative to the existing

windows would be likely to remain distinguishable, careful design including in respect of provision of glazing bars to reflect the existing windows and consideration for the profile of units could markedly lessen the degree of contrast and visual impact, thereby reducing the level of harm, potentially significantly. In this case and given that the appellant's statement had specifically requested that consent is approved with no further conditions, I consider that it would be inappropriate to impose a condition in respect of an alternative design of windows.

32. For these reasons, I consider on the basis of the information before me in this appeal that there would appear to be realistic, and less harmful, alternatives to the appeal scheme to provide noise insulation and support continued occupation of the dwelling. I am sympathetic to the appellant's desire for noise insulation and to address effects on health, but I am not therefore satisfied that this outcome and the ongoing residential use of the dwelling could not be supported by less imposing means than the appeal proposal, nor that harm to the listed building has been appropriately minimised to ensure its conservation in a manner appropriate to its significance. This context moderates the weight that I afford to the public benefit associated with providing noise insulation to the dwelling. I find that the harm to the listed building resulting from the proposed replacement windows which attracts considerable importance and weight would not be outweighed, and there is not a clear and convincing justification for these works.
33. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building, Keeper's Cottage, and public benefits would not outweigh the harm. The proposal would therefore be contrary to the LBCA Act and the Framework. Although not determinative, there would also be conflict with Policy HE1 of the North Hertfordshire Local Plan 2011-2031 insofar as it is relevant and indicates that where proposals result in less than substantial harm to the significance of designated heritage assets, harm should be outweighed by public benefits.

### **Other Matters**

34. My attention has been drawn to listed building consent granted by the Council for demolition of Winch Hill Farm which referred to there being no financially viable solution to retain the property. However, the PN Report comments that this consent was due to very specific circumstances relating to the poor quality of the building and the difficulties in securing its restoration and that neither this nor an example of listed building consent for uPVC windows to a modern part of a building in Codicote support use of uPVC windows here. From the information before me and further noting the lack of any substantive evidence in respect of financial viability in this case whereas the delegated report for the Winch Hill Farm refers to a submitted viability assessment, I agree with that view.
35. The appellant additionally asserts that the Council has permitted other listed buildings in Breachwood Green to install uPVC windows and other new windows and doors without listed building consent. However, I have not been directed to any particular examples and in the absence of full details, it is not clear that these would be directly comparable to the current proposal including in respect of the effects on the affected buildings or any supporting justification. The weight that I can give to these examples is therefore limited, and they do not alter my assessment of the appeal proposal which I have considered on its own merits.

36. The Council's handling of other applications which the appellant suggests have been made invalid or which have not been acknowledged is a matter between the parties and does not alter my assessment of the merits of the appeal proposal.
37. I acknowledge support for the proposal from the local MP, but this does not offset the harm that I have found, nor alter my assessment of the proposal.

### **Planning Balance**

38. I have found that the proposal would fail to preserve the special interest of the listed building, Keeper's Cottage. Acknowledging the appellant's reasons for the proposal to address noise effects including on health and the reference in their evidence to the age of occupiers of the dwelling, I am mindful of the Public Sector Equality Duty ('the PSED') set out under Section 149 of the Equality Act 2010. This requires due regard to the need, amongst other things, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Advancing equality of opportunity involves having due regard to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. Age is a relevant protected characteristic for the purposes of the PSED.
39. In addition, I am mindful of rights conveyed within the Human Rights Act 1998 ('HRA'), and particularly rights under Article 8(1) to respect for private and family life, home and correspondence.
40. However, I have already found that the submitted evidence does not demonstrate that addressing noise effects and supporting the ongoing residential use of the appeal dwelling would be dependent on replacement uPVC windows of the design proposed which I have found would cause harm to the listed building.
41. In this context, I find that the adverse effects of dismissing the proposal on those with protected characteristics and interference with rights under the HRA are mitigated by the possibility of an alternative, less harmful, scheme. Dismissal of the appeal would be in accordance with the law and necessary in a democratic society in pursuance of the well-established and legitimate aims of protecting heritage assets. In addition, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. In these circumstances, there would not be unjustified interference with rights for respect for the home, private or family life and I conclude that it is proportionate and necessary to dismiss the appeal.
42. Even when taken alongside the benefits argued by the appellant, the PSED and Human Rights considerations would not outweigh the harm that I have identified to the listed building.

### **Conclusion**

43. For the reasons given above, I conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR