

DELEGATED FILE NOTE

CASE OFFICER: ...Mark Simmons.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02823/LBC	Replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows (in accordance with the Secretary of States decision of 10th December 2024 ref PUR/3342127).	Keepers Cottage 2A Orchard Way Breachwood Green Hitchin Hertfordshire SG4 8NT

Submitted Plan Nos

Location Plan

1.0 Policies

HE1	Designated heritage assets
SECN16	Conserve + enhance historic environment

2.0 Site History

2.1 **79/01881/1** - Erection of front entrance porch
CP 17.02.1980

88/02006/1 - Side extension for double garage.
CP 15.01.1989

88/02007/1LB - Listed Building Consent for side extension for double garage.
CON 15.01.1989.

97/00827/1HH - Single storey link to existing sunroom and conversion of garage to provide elderly persons accommodation (as amended by drawing 1742/1 A3:2B and amplified by letter and drawing 1742/1 A3:3 received 18.8.97)
CP 01.09.1997

97/00828/1LB - Single storey link to existing sunroom and conversion of garage to provide disabled persons accommodation (as amended by drawing 1742/1/A3:2B and amplified by letter and drawing 1742/1/A3:3 received 18.8.97)
CON 01.09.1997

23/00277/GEN - Replace roof.
CMPLTE 10.07.2023

23/01333/GEN - Noise insulation.
CMPLTE 04.07.2023

23/01400/GEN – Delisting
CMPLTE 11.09.2023

23/02140/GEN - Installation of Solar PV
CMPLTE 14.09.2023

23/02418/LBC - Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows.
R 19.12.2023

24/00130/PCH - Purchase Notice for Keepers Cottage, 2A Orchard Way, Breachwood Green with respect to refusal of Listed Building Consent 23/02418/LBC (Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows) on 19/12/2023.
DEC 25.03.2024

3.0 **Policies**

3.1 Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 is relevant as are following paragraphs of the NPPF following revised NPPF:

- 1.0 **135 c)** (*sympathetic to local character and history, including the surrounding built environment*),
- 2.0 **207** (*local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting*)
- 3.0 **210** (*desirability of new development making a positive contribution to local character and distinctiveness*),
- 4.0 **212** (*great weight should be given to the asset's conservation*),
- 5.0 **213** (*clear and convincing justification*), and
- 6.0 **215** (*harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*)

4.0 **Representations**

4.1 **Kings Walden Parish Council** – No comments received.

Press & site notices – No comments received.

5.0 **Planning Considerations**

5.1 **Site and Surroundings**

5.1.1 Keepers Cottage, 2A Orchard Way, Breachwood Green is grade II listed and is a designated heritage asset for the purpose of applying the aims of the NPPF. Keeper's Cottage was listed on 8 February 1988 and was described as:

House. C17 or earlier. Brick roughcast, presumably over timber frame, with very steep old red tile roof. Red brick and tile gabled porch. An L-plan 2-storeys house facing S. Regular, 3-windows wide front with porch in middle. Recessed 2-lights casement windows with small panes, wider to ground floor under segmental arches. 6-panels

moulded door. Large internal chimney a third from W end with 2 very large diagonally set square shafts across the ridge with brick spurs to base and corbelled caps. Small internal chimney at E gable in front slope of roof. Lean-to extensions to E end and W side of short rear wing. A 3-cells, internal-chimney, lobby entry plan house.

- 5.1.2 In early 2023, Historic England (HE) received an application from the owner to assess Keeper's Cottage for removal from the List. HE undertook a full inspection on 15 September 2023 and has given the following context:

Historic England has composed the below planning history with the assistance of the current owner and North Hertfordshire District Council (hereafter 'the Council'). A memorandum from the Council dated 11 January 1978 (ref TP/1/795/77(494)) discussed the proposed construction of an additional dwelling on the site, and refurbishment of the existing dwelling. A letter from the Council dated 14 September 1978 regarding 'proposed alterations' at Keeper's Cottage requested 'additional information ... in respect of the alteration to the outbuilding, new drainage, support to any new windows or doorways and ventilation to the bathroom'. A letter from the Council addressed to BMC Builders, dated 22 August 1979, (Plan No. 1/1448/78) mentions the underpinning of the western gable wall as part of the 'alteration and modernisation including new drain connection' underway at Keeper's Cottage. A memorandum from the Council dated 24 October 1979 approved the payment of a house renovation grant. Planning permission was sought from the Council on 14 November 1979 for erection of a front entrance porch (79/01881/1), and conditional permission was granted on 17 February 1980.

Following listing of the building in February 1988, conditional planning permission and listed building consent were sought in November 1988, and granted in January 1989 for a side extension for a double garage (88/02006/1 and 88/02007/1LB). Planning permission and listed building consent were sought in 1997 and granted for a single storey link to the existing sunroom and conversion of the garage to provide elderly persons accommodation (97/00827/1HH and 97/00828/1LB).

The owner has been engaged in pre-application discussions with the Council in 2023 for the proposed replacement of windows due to noise pollution caused by Luton airport flight path. An application for listed building consent was submitted to the Council on 16 October 2023 proposing replacement of 16 no single-glazed timber, small-pane, casement windows with white-framed, UPVC, double-glazed or triple-glazed windows (23/02418/LBC, awaiting validation).

- 5.1.3 Historic England concluded that after carrying out a site inspection, examining the available records and other relevant information and having carefully considered the architectural and historic interest of the buildings, the criteria for listing continue to be fulfilled. Historic England therefore recommended that Keeper's Cottage remains on the List at Grade II. The list entry was updated as follows:

Summary of Building

Cottage, built in the C17 or earlier, extended around 1890, 1910, 1979, and 1989.

Reasons for Designation

Keeper's Cottage is listed at Grade II for the following principal reasons:

Architectural interest:

** for the architectural quality of this vernacular cottage, built in the C17 or earlier;
* for the high proportion of survival of the historic plan form and historic fabric, sensitively extended in the late C19 and C20, and renovated in the late C20 prior to listing.*

Historic interest:

** for the historic role this former game keeper's cottage played in supporting the historic deerpark of Kingswalden Park, around 730m to the north-east.*

Group value:

** it forms an important historic group with nearby listed buildings of the same period, including Hillside Farmhouse, Old Hill Farm, and 11 and 13 Lower Road (each listed at Grade II).*

History

Keeper's Cottage was constructed in the C17 or earlier, as is evidenced by its historic planform, timber-framed structure and brick chimney stacks. It is located around 730m south-west of the historic deer park of Kingswalden Park, a well-timbered former deer park of around 190 acres. The name of the cottage and its close proximity to the historic park suggest it played a support function for the estate, likely as a game keeper's house. Most of the cottages in the parish belonged to the estate and housed its many workers; several cottages still retain the professions of their occupants in their name, such as Buffer's Cottage, Laundry Cottage, The Bothy and Keeper's Cottage. At one time there were as many as eight game keepers tending the pheasants and other wildlife on the estate. The 1851, 1861 and 1881 censuses document game keepers living at Breachwood Green, possibly at Keeper's Cottage.

Keeper's Cottage may have originated as a two-unit cross passage house, with a heated room to the south-west side, a stair winding around the fireplace, and an unheated room to the north-east side to which a subsidiary fireplace was later added (no longer present). Its roof was likely originally thatched, as evidenced by the brick spurs of the chimneystack and exposed rafter ends to the rear. The footprint of the building is shown on the 1881 Ordnance Survey map, rectangular on plan with a single-bay projection to the rear (what is now the pantry). By the time of the 1898 OS map the rear projection appears to have been extended to its north-east side with a two-storey extension (now the breakfast room and bathroom over). It was extended again to the east side around 1910 with a single-storey lean-to (now containing the kitchen, utility room and WC), and this extension is depicted on the 1924 OS map. The cottage underwent some renovation in the late 1970s, and the western gable was underpinned at that time. A single-storey porch was added to the front of the cottage around 1979, and the cottage was listed at Grade II in 1988. A single-storey garage was added to the south-west side in 1989, and this was converted to living accommodation in 1997 (both with planning permission and listed building consent).

Details

Cottage, built in the C17 or earlier, extended around 1890, 1910, 1979, and 1989.

MATERIALS: *the roofs of the cottage and extensions have a red plain-tile covering, and the timber-framed walls are faced in brick and roughcast.*

PLAN: *the house is roughly rectangular on plan, aligned north-east to south-west, and faces south-east to Lower Road. Extensions were added to the north-east side of the rear elevation around 1890, to the north-east side around 1910, to the front around 1979 and to the south-west side around 1989.*

EXTERIOR: *the two-storey three-bay cottage has a pitched plain-tile roof with a pair of tall, diagonal, red-brick axial chimneys slightly left of centre, having brick spurs to their bases and corbelled caps. The front slope has a lower red brick internal chimney to its north-east end. The walls are constructed of brick and roughcast over a timber frame. The first floor has three bays of recessed, wooden two-light casement windows, each of four panes, and the ground floor has two bays of two-light casement windows, each of nine panes, the ground floor window openings being segmental arched. The sills are of timber applied over brick. A single-storey gabled porch was added to the central bay around 1979, built of red brick with a plain-tile roof, and contains a six-panel door with glazing to the two top panels, and a glazed four-paned window to each side of the porch. A two-bay single-storey garage extension was added to the south-west side around 1989 and converted to living accommodation around 1997. The north-east side of the cottage has a single-storey lean-to extension, added around 1910, with a plain-tile roof, roughcast walls and casement windows. The north-east side of the rear elevation has a two-storey gabled extension, added around 1890, with two-light casement windows to the first floor, each of eight panes, and a row of three casements to the ground floor, each of four panes. A single-storey lean-to projects from the centre of the rear elevation with a plain-tile roof; it has a four-paned casement on its south-west side, now inside the lean-to sunroom which was added in the late C20 and extended to connect to the garage around 1997. Over the sunroom, the first*

floor of the cottage has a small four-paned casement window. The wooden casements of the extensions imitate those of the earlier cottage.

INTERIOR: *the interior of the cottage likely had a two-unit cross passage plan, and was later altered and extended. The lobby has applied joists over the entrance (nailed into place), and has a straight stair rising along the north-east side of the axial chimneystack to the first floor. The door surround from the lobby shows evidence of reuse from elsewhere, including an empty brace socket on its north side. To the north of the door opening, the stair rises past a blocked pointed-arched door opening with plain chamfered spandrels, indicating reconfiguration of the stair.*

South-west of the lobby, the sitting room has a substantial chamfered beam with a lamb's tongue moulded stop over the fireplace. The joists are exposed with carpenters' marks and lamb's tongue stops; some of the joists appear to be machine-cut later replacements. A large inglenook fireplace occupies the centre of the north-east wall, with a chamfered wooden bressummer over and a stop on the south end. The fireplace is rendered and contains two slate-covered benches.

North-east of the lobby, the dining room has an exposed beam, chamfered on its south side; empty sockets and plug holes on its downward face suggest it has potentially been reused from elsewhere. The exposed joists are hand cut. Brick infill to the south side of the doorway appears to be of late C20 construction or reconstruction.

To the rear, the breakfast room likely constructed around 1890 retains a wooden door surround to the former single-bay rear projection (now the pantry). The single-storey extension to the north-east added around 1910 was renovated in the late 1970s to provide a kitchen, utility room and WC.

From the lobby the straight stair rises alongside the north-east side of the chimneystack, the brickwork of which appears to have been reconstructed in the late C20. At the top of the stair, exposed wooden partitioning to the north-east side appears to have been reused from elsewhere. The south-west bedroom retains exposed box framing, likely originally open to the roof and with a ceiling inserted in the late C20. The timber framing on the north-east wall looks most recent, and retains carpenters marks. The walk-in wardrobe off the north-east side has exposed timber framing on its north-east wall. The north-east bedroom has a central chamfered beam and the south-west end rests on a jowl post which shows evidence of reuse or reworking. The north-east wall retains two inbuilt cupboards. The late-C19 extension to the rear does not retain any historic features of interest. A high proportion of ledged wooden doors survive throughout the interior and are likely of late C19 or early C20 date.

5.2 **Proposal**

- 5.2.1 The proposal is to **'Replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows (in accordance with the Secretary of State's decision of 10th December 2024 ref PUR/3342127)'**.

5.3 **Key Issues**

- 5.3.1 On 18 December 2023, North Hertfordshire District Council refused to grant listed building consent to replace 16no. existing single-glazed timber-framed windows with white uPVC double-glazed windows (application ref 23/02418/LBC).
- 5.3.2 On 1 January 2024, the owners (Mr John Gass and Mrs Elspeth Gass) served a Listed Building Purchase Notice on North Hertfordshire District Council.
- 5.3.3 The Council declined to purchase the site for the reasons set out in its Response Notice dated 25 March 2024. Four reasons were set out stating that the Servers have not demonstrated that the building is incapable of RBU, not all the 16 windows considered under the listed building consent relate to habitable rooms, the PN

incorrectly refers to the refusal of planning permission not listed building consent, and not all the land within the owner's interest is subject to the PN.

5.3.4 In the proposed decision dated 21 May 2024, the Secretary of State for Housing, Communities and Local Government [hereafter referred to as 'SoS'] indicated that the PN would not be confirmed. The Servers subsequently requested on 21 May 2024 the opportunity to be heard before any final decision is made. Statements of case were submitted by the parties in July 2024 and final comments were made by the Servers in August 2024 and by the Council in September 2024. The hearing was held on 1 October 2024 and the site visit took place on the same day.

5.3.5 Turning to the Inspector's Report to the SoS dated 26 November 2024, the Inspector states at para 28 that the main considerations are as follows:

- a) *Whether the building and land in respect of which the purchase notice is served are incapable of reasonably beneficial use (RBU) in their existing state and could not be rendered capable of such use by the carrying out of works for which consent has been granted or undertaken to be granted;*
- b) *If the building and land are not capable of RBU, whether, in lieu of confirmation of the notice either:*
 - i. *it would be expedient to grant listed building consent for the refused works; or*
 - ii. *the local planning authority should be directed to grant listed building consent or planning permission, if an application is made, for any other works or development which would render the land capable of RBU within a reasonable time; and*
- c) *whether an alternative acquiring authority (another local authority or statutory undertaker) should be substituted.*

5.3.6 At para 45 of the Inspector's Report it says:

If the SoS considers it expedient to do so, they may, instead of confirming the PN, grant listed building consent, pursuant to section 35(4) of the Act, for the replacement windows proposal rejected under ref 23/02418/LBC. The Act does not require the SoS to have regard to the development plan in these circumstances. However, relevant development plan policies should be important material considerations as to whether it is expedient to grant listed building consent. The National Planning Policy Framework (NPPF) is also relevant as a material consideration.

5.3.7 At para 49 it says (my emphasis in bold):

NPPF paragraph 200 requires an applicant to describe the significance of any heritage asset affected, with the level of detail proportionate to its importance and sufficient to understand the potential impacts. This has not been achieved here. Therefore, I concur with the Council that there is insufficient information to assess the potential impact of the proposal on the listed building.

5.3.8 At para 54 the Inspector writes:

I agree with the Council that the proposal would have a harmful effect on the significance of the listed building that would not be outweighed by the public benefits. Therefore, the proposal would be contrary to Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011-2031 which, amongst other things, seek to conserve the historic environment and ensure that any harm to the significance of heritage assets is outweighed by the public benefits.

5.3.9 At para 55 the Inspector states:

Concluding on the replacement windows proposal, my findings lead me to recommend that listed building consent should not be granted for this proposal instead of confirming the PN. However, if the SoS is minded to disagree with this recommendation and grant listed building consent instead, the conditions referenced below and listed in the schedule should be attached to any consent.

- 5.3.10 Of significance here are paras 56 and 61 of the Inspector's Report. Para 56 states (my emphasis in bold):

*The standard time limit condition for commencement of works would be necessary for clarity and compliance with the Act. **Given the absence of any detailed information relating to the design of the windows, a condition requesting such details would be necessary in recognition of the special architectural and historic interest of the listed building.***

whilst 61 reads as (my emphasis in bold):

***There are no details before me or the SoS for such windows, but these can be submitted as part of an application for listed building consent, with the Council retaining control over the exact scheme.** The Council has granted consent for such windows on listed buildings in Breachwood Green at 13 and 15 Lower Road. Therefore, slim profile timber double glazing would appear to be a suitable approach and likely to receive listed building consent.*

- 5.3.11 The Inspector's recommendation at para 70 reads as follows:

For the reasons set out above, I recommend that in lieu of confirming the Purchase Notice, the local planning authority should be directed to grant listed building consent, if an application is made, for slim profile timber double glazed windows that would render the land capable of reasonably beneficial use.

- 5.3.12 It should be noted that if the SoS had decided to grant listed building consent to replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows, pursuant to application Ref 23/02418/LBC, the Inspector advised the following conditions:

1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.

2) No works shall take place until detailed drawings of the replacement windows (including depth of reveal, external finish, method of opening, details of heads, sills, ironmongery, and lintels) have been submitted to and approved in writing by the local planning authority. The submitted drawings should be at a scale of not less than 1:20 for elevations and at scale of not less than 1:2 for horizontal and/or vertical frame sections (including sections through glazing bars). The works shall be carried out in accordance with the approved details.

- 5.3.13 Importantly, the SoS's formal decision dated 10 December 2024 reads as follows:

*The Secretary of State for Housing, Communities and Local Government refuses to confirm the purchase notice. Instead of confirming the purchase notice, the Secretary of State, in exercise of her powers under section 35(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and all other powers enabling her in that behalf, **HEREBY DIRECTS** that North Hertfordshire District Council shall grant listed building consent, if an application is made, for the replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows at Keeper's Cottage, 2A Orchard Way, Breachwood Green, Hitchin SG4 8NT. If such an application is made it shall be submitted to the Council within 2 months from the date of this decision.*

- 5.3.14 According to the applicant's Design and Access Statement "... The requirement placed by the secretary of state is for timber frames, with slimline glazing There is no requirement placed upon the design of the frame or colour of the frame". Whilst under

the subheading 'Justification' in the submitted Heritage Statement, the applicant writes
".....There are no requirements on design of the timber frames other than they are timber and are glazed with slimline glazing".

5.3.15 As stated at 5.3.10 above and with reference to para 56 of the Inspector's Report relating to the previous application for listed building consent for replacement windows, *"Given the absence of any detailed information relating to the design of the windows, a condition requesting such details would be necessary in recognition of the special architectural and historic interest of the listed building"*. The current application for timber windows has been submitted without joinery details, therefore, the same applies to the current proposal. Other than knowing that the windows will be manufactured in timber and accommodating slimline glazing there are no other details available to enable the LPA to assess the impact of windows of unknown specification upon the special character of Keepers Cottage.

5.3.16 The SoS has not directed the LPA to issue an unconditional listed building consent. Although the applicant may consider that the only requirements are that the windows are made in timber and are slimline glazed, the LPA considers it appropriate and reasonable to apply conditions where no detailed drawings have been received. Therefore, in order to establish what the windows will look like and consistent with the Inspector's Report and the SoS's decision, Condition 2 is advised as set out at 5.3.12 above.

5.4 **Alternative Options**

5.4.1 Nonapplicable.

5.5 **Pre-Commencement Conditions**

5.5.1 Nonapplicable.

5.6 **Conclusion**

5.6.1 In accordance with the SoS's direction, timber, slimline, double-glazed windows should be granted consent. Subject to the recommended conditions it is concluded that the proposal will not occasion harm to the listed building's special character and will satisfy the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

6.0 **Recommendation**

6.1 As directed by the Secretary of State for Housing, Communities and Local Government, it is recommended that listed building consent is **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

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. No works shall take place until detailed drawings of the replacement windows (including depth of reveal, external finish, method of opening, details of heads, sills, ironmongery, and lintels) have been submitted to and approved in writing by the local planning authority. The submitted drawings should be at a scale of not less than 1:20 for elevations and at scale of not less than 1:2 for horizontal and/or vertical frame sections (including sections through glazing bars). The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the grade II listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 4 February 2025	