

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01489/LBC	Replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows (as a variation of listed building consent ref: 24/02823/LBC granted on 04.02.2025 omitting Condition 2 thereof).	Keepers Cottage 2A Orchard Way Breachwood Green Hitchin Hertfordshire SG4 8NT

Submitted Plan Nos

1.0 Policies

HE1	Designated heritage assets
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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 Appeal dismissed 25.03.2024

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

24/02823/LBC - 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).

CCON 04.02.2024

25/00351/DOC - Details reserved by Condition 2 (Window Details) of Listed Building Consent 24/02823/LBC granted 04.02.2025

Not determined

25/00956/LBC - Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows.

Appeal in progress

25/01634/DOC - Details reserved by Condition 2 (Windows) of listed building consent reference 24/02823/LBC granted 04.02.2025.

Not determined

3.0 **Policies**

3.1 Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 is relevant as are the following paragraphs of Section 16 of the National Planning Policy Framework (Dec 2024):

- ☐ **135 c)** (*sympathetic to local character and history, including the surrounding built environment*),
- ☐ **207** (*local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting*)
- ☐ **210** (*desirability of new development making a positive contribution to local character and distinctiveness*),
- ☐ **212** (*great weight should be given to the asset's conservation*),
- ☐ **213** (*clear and convincing justification*), and
- ☐ **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. First listed on 8 February 1988, the building was reassessed by Historic England (HE) who undertook a full inspection on 15 September 2023 following which, gave 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.

Keeper's Cottage was listed at Grade II on 8 February 1988 and 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.'

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 After carrying out a site inspection, Historic England concluded that having also examined 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. It is therefore recommended that Keeper's Cottage remains on the List at Grade II. The list entry was updated on 7 November 2023 and can be found at the following link:

<https://historicengland.org.uk/listing/the-list/list-entry/1102442?section=official-list-entry>

5.2 Proposal

- 5.2.1 The application is described as: **Replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows (as a variation of listed building consent ref: 24/02823/LBC granted on 04.02.2025 omitting Condition 2 thereof).**
- 5.2.2 The proposal has been submitted in part as a response to the existing noise pollution from London Luton Airport (as Keepers Cottage sits within its flight path) and partly resulting from the proposed expansion of Luton Airport which is a Nationally Significant Infrastructure Project and for which a Development Consent Order was granted on 3 April 2025. The DCO application comprises the expansion of London Luton Airport from its current permitted cap of 18 million passengers per annum (mppa) up to 32 million mppa, including: new terminal capacity; additional taxiways and other transport infrastructure; the construction of landside support buildings; surface access adjustments; mitigation works and other associated development.

- 5.2.3 It is noted that campaigners have commenced the first steps of legal action against the government in relation to the proposed expansion of Luton Airport, arguing that development consent was “granted unlawfully”. In a letter to Heidi Alexander, Secretary of State for Transport, signalling the start of the judicial review process, campaign group ‘The Luton and District Association for the Control of Aircraft Noise’ (LADACAN) claim the Secretary of State “ignored” the recommendation of national planning inspectors to refuse development permission, and that the plans for the expansion failed to include “adequate environmental assessments” (Local Government Lawyer website 8 May 2025).
- 5.2.4 The London Luton Airport Noise Insulation Scheme [LLANIS] is intended to address the Airport’s impact on occupiers of properties. Keepers Cottage would be eligible for limited assistance towards new double-glazed windows. The noise insulation scheme is operated and funded by Luton Airport, a completely separate entity from LLACC (which is a Consultative Committee and purely advisory, as its website makes clear). It is also worth pointing out that NHDC’s councillor representative does not sit on LLACC on behalf of the Council’s Local Planning Authority function and therefore whatever discussions are had by the representatives of 20+ organisations which form the LLACC they cannot bind the statutory decision-making processes of the Council as Local Planning Authority.
- 5.2.5 In 2023 under ref: 23/02418/LBC, the applicant was advised to speak with Granville Noise Insulators Limited (the contractor at the time implementing the noise insulation scheme on behalf of London Luton Airport and the only company contacting eligible properties at that time). It was understood at the time that Granville Noise Insulators Limited could not provide window details to assist with the determination of that application.
- 5.2.6 NHDC has written to LLA about only being able to supply Upvc windows, to which the following response was received:

I can confirm the current LLA Noise Insulation Scheme contractor Evander Glazing and Locks Ltd installs both timber and uPVC windows.

The resident in question requested a quote for both options. We informed the resident that we would not be able to proceed with the uPVC installation without obtaining the necessary listed building consent.

5.3 **Key Issues**

- 5.3.1 Whilst empathetic to the applicant’s concern regarding noise pollution as a consequence of the property being within the flight path, the consideration of this application is solely based on the impact of the new windows upon the listed building’s special character.
- 5.3.2 Windows are often a significant feature of listed buildings. They strongly contribute to a building’s interest and appearance. Any changes can noticeably alter how the building and area looks. There is much by the way of guidance provided by local planning authorities which discourages the installation of double-glazed windows into listed buildings and whilst North Herts does not have specific guidance on this matter, it is important that the following are considered when considering replacement of windows:
- ☐ Evidence of craftsmanship
 - ☐ Use of old or rare materials
 - ☐ Detail of design

If the existing windows contribute positively to the building's special character and the frames are capable of repair, this should normally be the way forward.

Historic England guidance entitled 'Traditional Windows: their care, repair and upgrading' published in 2017.

5.3.3 At page 6 of this guidance it states:

"The pressures that threaten traditional windows come from many different sources. Probably the most significant of these is the replacement window industry that relies on PVC-u windows for almost all of its business. The industry has invested heavily in marketing over a long period and as a result has persuaded many home owners that their old timber windows are rotten, draughty, and beyond economic repair, whereas in most cases minor repairs and some upgrading would have allowed them to remain fit for purpose and serviceable for years to come.

Replacement plastic (PVC-u) windows pose one the greatest threats to the heritage value of historic areas, particularly in towns and villages. Despite attempts at improving the design of these windows they are instantly recognisable because they cannot match the sections and proportions of historic joinery....."

5.3.4 At page 54 of this guidance it states:

"If used in multi-paned windows, IGUs will generally be less efficient than secondary glazing since even the most efficient units will not overcome thermal bridging through the frame and glazing bars...."

5.3.5 Further on, Historic England's general approach to the alteration or replacement of windows is set out below:

1. Where historic windows, whether original or later insertions, make a positive contribution to the significance of a listed building they should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.

2. Where historic windows have already been replaced with windows whose design follows historic patterns, these usually make a positive contribution to the significance of listed buildings. When they do, They should therefore be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.

3. Where historic windows or replacement windows of historic pattern survive without historic glass it may be possible to introduce slim-profile double-glazing without harming the significance of the listed building. There are compatibility issues to consider as the introduction of double-glazing can require the renewal of the window frame to accommodate thicker glazing, thereby harming significance. These issues are covered in Section 4 of this guidance.

4. Where historic windows have been replaced with ones whose design does not follow historic patterns, these are unlikely to contribute to the significance of listed buildings. Replacing such windows with new windows of a sympathetic historic pattern, whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm. It also provides an opportunity to enhance the significance of the building, which is the desired outcome under national policy.

5. Where a new window or re-glazing is agreed, the reflective properties of secondary and double-glazing as compared to modern, polished single-glazing, do not usually harm the significance of the building. But when new multi-paned windows are proposed, the desirability of reproducing broken reflections by individually glazing each pane should be considered. Where

the aesthetic value of the building is high, then the impact on the whole of the relevant elevation should be considered, including the desirability of accurately matching other windows.

5.3.6 At page 115 of this guidance it states:

Noise insulation

Windows are one of the most vulnerable parts of a building to noise transmission due to their relatively lightweight construction. Depending on the number of openings and the quality of the seals between the openings, a single glazed window without seals may only achieve a noise reduction of 18-25dBA. When closed, sealed double glazed units perform little better than single glazing because the two panes of glass are rigidly connected with a minimal cavity so the two panes resonate together. A secondary window with an air space of 100mm or more de-couples the movement of the two panes of glass and reduces the resonance between the two. Sound insulation of up to 45dBA can typically be achieved. Higher levels of sound insulation are obtained as the gap increases, particularly if the reveals are lined with an acoustic material, though minimal improvements occur with cavities beyond 200mm. The use of thicker or acoustic laminate glass within the secondary window also improves the acoustic performance of the installation.

5.3.7 The HE guidance describes that assessing the significance of a window and understanding the contribution it makes to the significance of the building is the key first step in deciding the correct approach to any alterations or upgrading. Where historic fenestration survives, HE explains that it is often an irreplaceable resource that should be conserved and repaired wherever possible. It describes how to determine the architectural and historic significance of windows so that decisions about altering them can be made in an informed way.

**Guidance on Alterations to Listed Buildings
IHBC Toolbox Guidance Note GN2021/1 - January 2021**

5.3.8 At 4.3.4 it states:

“Proposals to double-glaze existing windows are often inappropriate as well as having a surprisingly high carbon impact and a short lifespan. Thicker glazing units require glazing bars to be modified to accommodate them and the window will then have a very different appearance.”

Whilst at 4.3.5 it states:

“Applied glazing bars to the surface of windows or sandwiched between panes of double-glazing are generally inappropriate. Secondary glazing may be acceptable subject to careful location of the framing elements so as not to be disruptive to the visual appearance when seen from the exterior.”

Impact on the listed building

5.3.9 Although energy performance of listed buildings is normally at the forefront of several applications for listed building consent recently, this application relates more to the acoustic properties of the existing windows.

5.3.10 The officer has conducted two site visits. The first was on 11 December 2023 to ascertain the condition and internal detailing of the windows proposed to be removed. Three family members were at home at the time of the visit. All 16no. existing windows were photographed internally, and the conclusion is that these are non-original. Whilst half of the windows (W3, W8, W9, W10, W11, W12, W13, W14) possess some visual interest and are of low/moderate significance, the remaining windows are modern and are of no special interest (see below):

- W1 – 8-pane double casement with frosted glass and mechanical window vent.
- W2 – quarter-pane, triple casement with square glazing bars.
- W4 – quarter-pane window (one casement & other half with top-half opening vent).
- W5 – quarter-pane casement with square glazing bars.
- W6 – pair of 6-pane casements with square glazing bars.
- W7 - quarter-pane, triple casement with square glazing bars (central top-hung vent).
- W15 – 6-pane modern window (incl. 2-pane top-hung vent).
- W16 – 8-pane triple casement window with central window having 2-pane top-hung vent opening.

The second site visit was made on 1 October 2024 to conclude the Hearing held on the same day in relation to application ref: 23/02418/LBC and Listed Building Purchase Notice ref: 24/00130/PCH.

5.3.11 In the Planning Inspector's report to the Secretary of State dated 26 November 2024, the Inspector describes the existing windows as follows:

7. There are seven two-light casement windows on the front elevation; five on the central two-storey part and two on the side extension. The ground floor windows contain nine panes on each half of the two-light windows, whereas the first floor windows have four panes on each half. On the single storey lean-to extension on the north-east side, there are three sets of windows at the ground floor; a single casement with four panes, a two-light casement with six panes on each side, and a three-light casement with six panes per light. Above the lean-to is a two-light casement with four panes on each half.

8. At the rear, there are casement windows on the ground and first floor of the gable extension with the ground floor windows comprising three windows with four panes each and the two-light window above comprising eight panes on each half. There is a single four pane window above the lean-to conservatory and a three-light window at the rear of the garage extension with eight panes per light. On the side of the garage extension is a single six pane window.

5.3.12 The Inspector goes on to say:

*50. Turning to the first reason for refusal, while none of the windows are original, those on the front elevation are particularly attractive as they are flush to the frame. However, even those with storm frames are not overly bulky and so have a neutral effect on the listed building. Notwithstanding the lack of information on the proposed replacement windows, **the use of uPVC as a material would likely be at odds with the traditional form and materials of the listed building. It is difficult to replicate the finer detailing of timber windows in terms of the frames and glazing bars or achieve a slimmer profile and depth. The public visibility of any window is not determinative when dealing with listed buildings as one should look at the whole heritage asset and its significance.** [22, 26]*

*51. As discussed at the hearing, the Council's granting of listed building consent for uPVC windows on a property in Codicote in 2002 concerned replacement windows on a modern part of the building. The consent for demolishing a listed building on Winch Hill Road in 2019 was due to very specific circumstances relating to the poor condition of the building and the difficulties in securing its restoration. **Neither example supports the use of uPVC windows in this property.** [22]*

*52. For these reasons, **the proposal would not preserve the special architectural and historic interest of the listed building and would result in less than substantial harm to its significance.** NPPF paragraph 205 states that great weight should be given to the conservation of heritage assets like listed buildings, irrespective of the level of harm. NPPF paragraph 206 requires clear and convincing justification for any harm, while NPPF paragraph*

208 requires less than substantial harm to be weighed against the public benefits of the proposal.

53. The proposed windows would result in improvements to noise levels within the property. The enhanced living conditions would largely represent a private benefit specific to the occupants of the property. However, I accept that enabling the property to continue to be inhabited would help to secure the longer term future of the listed building and thus represent a public benefit. The weight to be afforded to this benefit is nevertheless tempered by the fact that it has not been demonstrated that the proposal represents the only solution in terms of noise insulation. **Other less harmful options have not been ruled out. Therefore, the public benefits of the proposal would not outweigh the harm that would be caused to the significance of the listed building.** [22, 26]

5.3.13 At paragraph 60 of the Inspector's Report it says:

None of the existing windows at this property are original, and so their replacement with a sympathetic design would be acceptable in principle. Slim profile timber double glazing can be much finer detailed than conventional uPVC windows, allowing for a flush fit within the frame and less bulky proportions. This would be particularly important for the front elevation where the existing windows are flush, but also a good option for the windows at the rear which currently have a storm design.

5.3.14 At page 14 of the Inspector's Report, the Inspector recommends the following:

Schedule of Suggested Conditions

The following conditions are suggested if the SoS decides 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:

- 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.*

5.3.15 The reason for referencing paragraphs 7 & 8 of the Inspector's Report at 5.3.11 above is that glazing bars form a key part of the existing windows and should be considered an important aspect of any new window specification. Furthermore, the Inspector advised 'if the SoS decides 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' that part of Condition 2 should include at a scale of not less than 1:2, horizontal and/or vertical frame sections (including sections through glazing bars). This is a material consideration and implies that glazing bars are expected as part of the design of replacement windows.

5.3.16 The Secretary of State's formal decision on 10 December 2024 states the following:

*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.

- 5.3.17 What should be noted, however, is what precedes the formal decision at paragraph 8 of the Secretary of State's formal decision as set out below:

Having considered the available evidence the SoS agrees with the conclusions in the Inspector's report and accepts his recommendation.

It is therefore the case that the two conditions suggested by the Inspector form part of his recommendation and are relevant to this case.

- 5.3.18 The following wording forming part of the applicant's justification in the submitted Heritage Statement is therefore challenged:

There are no requirements on design of the timber frames other than they are timber and are glazed with slimline glazing.

5.4 **Alternative Options**

- 5.4.1 Nonapplicable.

5.5 **Pre-Commencement Conditions**

- 5.5.1 Nonapplicable.

5.6 **Conclusion**

- 5.6.1 The Secretary of State has said that *"it can be argued that the building and land are incapable of reasonable beneficial use ("RBU") and cannot be rendered capable of such use by the carrying out of works for which listed building consent has been granted or undertaken to be granted". The SoS then goes on to say that "The Inspector therefore recommended that the Council 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 RBU".*

- 5.6.2 Although slimline windows are proposed, no details are provided for these windows, to enable a full assessment of the proposal, as this application seeks a favourable determination **without the imposition of Condition 2**. This is like application ref: 23/02418/LBC where a lack of information with that application meant that it was not possible to assess the potential impact of the proposal on Keepers Cottage significance.

- 5.6.3 Therefore, it is considered that the proposal (remove condition 2 of listed building consent reference 24/02823/LBC) will occasion harm to the listed building's special character for which sufficient details and a convincing justification have not been forthcoming. The proposal would not 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 I recommend that listed building consent be **REFUSED** for the following reason:

1. Keepers Cottage is grade II listed for the reasons of i) its architectural quality as a C17 or earlier vernacular cottage, ii) its high proportion of survival of the historic plan form and historic fabric, iii) its historic role as a former game keeper's cottage and iv) its group value with nearby listed buildings of the same period. The building has timber, single-glazed windows of moderate and low significance and several of no special interest. Whilst timber, slimline windows are proposed as directed by the Secretary of State in formal decision dated 10 December 2024, no details are provided for these windows as covered by Condition 2 as recommended in the Planning Inspector's Report to the Secretary of State dated 26 November 2024. Paragraph 207 of the NPPF states that in determining applications, "local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance". By reason of the lack of information provided with this application, there is insufficient information to assess the potential impact of the proposal on Keepers Cottage's significance. As such, the proposal fails to satisfy the aims of the National Planning Policy Framework. If the proposed windows are not flush casements, do not have appropriately detailed glazing bars, ironmongery etc then they will also fail to 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 August 2025	

