

Planning & Heritage Statement

CanPlan on behalf of Mr D Elliott

Application for Listed Building Consent at
12 Nightingale Street, Abercanaid,
Merthyr Tydfil.

Merthyr Tydfil County Borough Council



Proposed

1.0 Introduction

- 1.1 This Planning and Heritage Statement has been prepared by CanPlan on behalf of Mr D Elliott to accompany an application for Listed Building Consent (LBC) at 12 Nightingale Street, Abercanaid, Merthyr Tydfil.
- 1.2 The Planning and Heritage Statement provides a planning analysis demonstrating the acceptability of the proposal in planning and heritage terms and in accordance with relevant planning policy and guidance.
- 1.3 The application is supported by a site location plan, window section and existing and proposed elevational drawings. The Planning and Heritage Statement has been informed having undertaken a Heritage Impact Assessment (HIA) to inform the Heritage Impact Statement (HIS) as required in order to validate this application for LBC and to support the LBC application.
- 1.4 Table 1.1 below sets out the schedule of supporting documents/plans which should be read alongside the Planning Statement.

Table 1.1 Schedule of Supporting Plans/Documents

Document/Plan	Reference
Completed application form and certificate	1 App planning portal
Planning & Heritage Statement	LBC PS & HIS July 2021
Site Location Plan 1:1250	Submitted plan
Window Section	Submitted plan
Elevation Drawings	Submitted plan

- 1.5 The remainder of this Statement is structured as follows:

- Section 2: Site Location and Description
- Section 3: Development Proposal
- Section 4: Planning Policy Context
- Section 5: Planning Analysis
- Section 6: Summary

2.0 Site Location and Description

- 2.1 The dwelling lies within a residential terraced street on the north west side of Abercanaid between the Afon Taf and the former Glamorganshire Canal.



To the east of the dwelling lie front gardens of the six terraced properties. To the west are terraced properties in Nightingale Street again in a block of six. The nearby residential dwellings comprise a mixture of styles and materials from traditional stone, render and slate roof to more modern facing bricks and concrete tiles. Fenestration is predominantly UPVc. The dwelling itself is end of terrace with north east facing elevation to a garden area separated by a communal walkway. The rear of the property and the rest of the terrace face the front elevation of the terrace opposite. There are several listed dwellings adjoining, opposite and in nearby terraces. 12 Nightingale Street faces the rear of dwellings to the south west. The site is sloping from south west to north east where it adjoins the adopted public highway.

- 2.2 The dwelling is not located in a Conservation Area but is Grade II listed. The dwelling adjoins several listed cottages in a terrace formation.
- 2.3 The site is located in a sustainable location within walking distance Merthyr Tydfil town centre. The site is also on a bus route serving the surrounding area and the main town centre.
- 2.4 The site is within walking distance of the Taff Trail heritage tourist route linking Merthyr Tydfil to Cardiff.

Planning History

- 2.5 A research of the on-line available planning history was undertaken. The relevant planning history for the area includes the following;

Planning Reference	Description	Outcome
77 Nightingale Street P/00/0400 Listed Building Consent (LBC)	1 Installation of UPVc windows to front and rear of property 2 removal of condition 1&2 of LBC ref 99/0342	LBC Approved 09/05/01
76 Nightingale Street P/00/0471 LBC	Installation of UPVc widows and doors to front and rear elevations	LBC Approved 09/05/01
78 Nightingale Street P/99/0342 LBC	Replace existing front and rear windows with UPVc replacements (Listed Building Consent)	LBC Approved 13/03/00
81 Nightingale Street P/99/0050/LB LBC	Replacement of 4 front elevation windows and door using UPVc materials (LBC)	LBC Approved 13/03/00
8 Nightingale Street P/03/0498/LB	Retention of UPVc rear door, kitchen window and bathroom window	LBC Approved 14/01/04

- 2.6 It is clear that listed building consent has been approved on several occasions at Nightingale Street for windows and doors replaced in UPVc finishes. It is also clear that upon inspection that the majority of properties in Nightingale Street have unauthorised UPVc windows and doors. It is also noted that there has not been any formal enforcement action entered on the Enforcement Register serving notices regarding such unauthorised works to listed buildings in Nightingale Street.

3.0 Development Proposal

- 3.1 The applicant seeks LBC for the replacement of windows and door in UPVc to the front elevation. The replacement windows would be 12 pane box sash to match that existing with a solid door with a small glazed window, preserving the design of the fan light above.

- 3.2 This property and others within the nearby terraces have benefited in the past from full planning permissions for operational development and Listed Building Consent. A search of the publicly accessible listed building consents planning history is summarised above.

4.0 Planning Policy Context

Heritage

- 4.1 Merthyr Tydfil County Borough Council is the determining authority for this type of application. A research of the records held at MTCBC and at CADW has provided the following relevant information. This has been used to inform the Heritage Impact assessment (HIA) and produce the Heritage Impact Statement (HIS) required.

- 4.2 The following documents are material planning considerations in the preparation and consideration of this application.

Managing Change to Listed Buildings in Wales supplements Planning Policy Wales (February 2021);

Technical Advice Note 24: The Historic Environment;

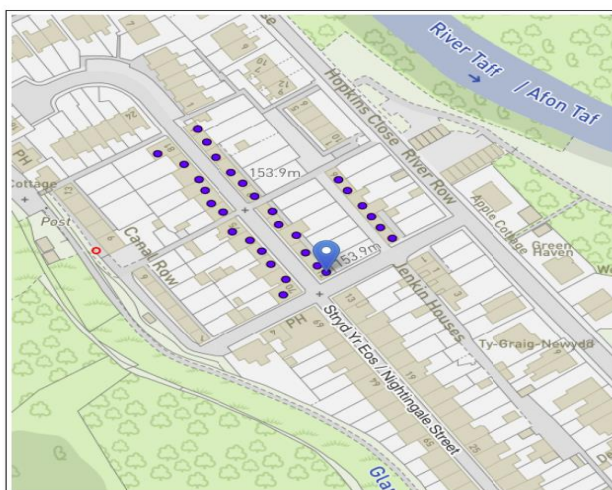
Technical Advice Note 12: Design;

Managing Heritage Impact Assessment in Wales CADW (May 2017);

The Historic Environment (Wales) Act 2016; and

The MTCBC replacement Local Development Plan (LDP) 2016-2031

- 4.3 CADW records provide the following information relating to the listing for 12 Nightingale Street and for nearby listed buildings.



Listed Building : 12 Nightingale Street
Reference Number : 81738
Unitary Authority : Merthyr Tydfil
Community : Troed-y-Rhiw

This map does not form part of the official record. It has been drawn from positional information provided within the list description to aid identification. By law, the listed building also includes any object or structure which is fixed to the building, or which is within its curtilage and forms part of the land and has done so since before 1 July 1948. It is important not to rely only on this digital map as the primary source for identifying the listed building. The map must be read in conjunction with the list description to ensure that the correct building has been identified. The list description is also available via the Online Mapping Database. This map was delivered electronically and when printed may not be to scale and may be subject to distortions.

Cadw
Welsh Government
Ty'r Afon
Bedwas Road
Caerphilly
CF83 8WT
E-mail: Cadw@gov.wales,
Web: www.cadw.gov.wales

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4.4 The full listing for 12 nightingale Street is reproduced below.

Full Report for Listed Buildings



Summary Description of a Listed Buildings

Reference Number	Building Number	Grade	Status	Date of Designation	Date of Amendment
81738	12	II	Designated	22/08/1975	29/07/2003

Name of Property	Address
12 Nightingale Street	12 Nightingale Street

Location

Unitary Authority	Community	Town	Locality	Easting	Northing
Merthyr Tydfil	Troed-y-Rhiw		Abercanaid	305692	203774

Street Side	Location
NE	Situated on the NW side of Abercanaid between the Afon Taf and the former Glamorganshire canal.

Description

Broad Class	Period
Domestic	

History

House in terrace, part of the important early group of industrial housing at Abercanaid that originally included 7 terraces in 4 rows facing E between the river and canal, one in River Row, 2 facing and 2 backing onto Nightingale Street and 2 in Canal Row, and then to the N, 3 longer rows at right angles to river and canal, known as The Squares, a terrace of larger houses backing onto the canal and 2 detached houses for higher grades of employees. The 7 terraces survive, 5 listed though much altered even since listing in 1975, the rear 2 in Canal Row unlisted, but the terraces to the N have all gone with one of the detached houses, the other Llwynyreos survives. The houses were built between 1852 and 1861 possibly by the Plymouth Iron Company to house workers employed at the Abercanaid Pit and Pentrebach Forge.

Exterior

Though small, the houses are relatively generous for the era, similar to those at the nearby Triangle, Pentrebach (all demolished), being double-fronted, rather than the single-window and door earlier type (seen at the terrace from Rhydycar, nearby, now at St Fagans Museum) but were narrow, with roof-spans of 4-5m, and without rear outshuts, as they had roads or access paths both back and front. As built they had a plan form arranged around a centre passageway and rear staircase and were of rubble stone with small-paned sashes, slate roofs and stone chimneys, with stone voussoirs to openings on both floors. The facades are slightly offset to allow for larger kitchen chimneys, the offset side alternated to give mirrored pairs. The gardens in front or behind were accessed across a footpath running down the terrace line. The houses backing onto gardens (Nos 70-81 Nightingale Street) have generally been extended to the rear, the others retain the original depth. The similar houses further S in Nightingale Street appear to be of later date, and are also much altered though contributing to the character of the Abercanaid settlement.

House in terraced row originally of square rubble stone with close-eaved slate roof and stone end stacks, 2-storeys, double fronted with small-paned sash windows, 2 each floor and centre door probably with overlight. Stone voussoirs to openings and stone sills. Rear walls also of rubble stone originally had one small door and pantry window below to one side and one small upper window.

End terrace house) No 12 has 12-pane horned sashes (restored since 1975) and stuccoed thin surrounds to windows, concrete tiles, right chimney missing, and C20 door with overlight. Rear wall to Nightingale Street has low door and tiny window to left, upper window right.

Interior

Not inspected.

Reason for designation

Included as one of the best surviving groups of early industrial workers' housing in the region.

4.4 Planning Policy Wales (February 2021)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

4.4.1 PPW provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24: The Historic Environment and Cadw associated best practice guidance on the historic environment.

4.4.2 Paragraph 6.1.5 refers to CADWs published Conservation Principles highlighting the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.

- 4.4.3 Paragraph 6.1.13 identifies those applicants for listed building consent must be able to justify their proposals, show why the alteration of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

4.4.4 **Technical Advice Notes**

Planning Policy Wales is supplemented by a series of topic based Technical Advice Notes (TANs) which provide guidance relating to various forms of development and the role of the planning system in dealing with the determination of planning applications.

4.5 **TAN 24: The Historic Environment, Welsh Government (WG) May 2017**

Paragraph 1.10 states The Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011. Conservation Principles should be used by owners, developers and other public bodies to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

4.5.1 There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

- 4.5.2 TAN 24 states applicants and other organisations are encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected. There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

An understanding of these values forms the basis of a statement of significance prepared as part of a heritage impact statement.

4.5.3 **Heritage Impact Assessment** (HIA) is considered in paragraph 1.15 and states:

Heritage impact assessment is a structured process that enables the significance of a designated asset to be taken into account when considering proposals for change.

Heritage impact assessments should be proportionate both to the significance of the historic asset and to the degree of change proposed, and should include sufficient information to enable both the significance of the asset and the impact of change to be understood (*bold is my emphasis*). The results of the heritage impact assessment should be summarised in a heritage impact statement which must form part of any listed building consent application.

4.5.4 Paragraphs 1.28 and 1.29 go on to state;

Para 1.28 There will be cases where a proposed development will enhance the setting of a historic asset and this will be treated as a benefit resulting from the development. Mitigation of damaging effects could be achieved through good design and in some cases screening or landscaping.

4.5.5 Para 1.29 The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. **A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use** (*bold is my emphasis*).

4.5.6 Paragraphs 5.9, 5.12 and 5.14 state,

Listed Building Consent

4.5.7 Para 5.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority. When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must 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. Consent is not normally required for repairs, unless they involve changes that would affect the character of the listed building. If in any doubt owners are advised to contact their local planning authority to seek clarification on whether or not consent is needed. In this case, as a replacement, not just a repair, it is assumed the LBC is required.

4.5.8 Para5.12 Applicants for listed building consent are required to provide a heritage impact statement. This presents the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. **Heritage impact assessment should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge significance and impact when considering applications for listed building consent** (*bold is my emphasis*).

4.5.9 5.14 **Many listed buildings can sustain a degree of sensitive alteration** and extension to accommodate continuing or new uses. When applicants and the local planning authority assess the heritage values and significance of a listed building, which is the subject of a consent application, they **must consider the sensitivity of that building to the proposed changes** (*bold is my emphasis*).

4.5.10 Paragraphs 5.32, 5.33 state the following;

Enforcement

4.5.11 Para 5.32 Enforcement has a key role to play in the protection of listed buildings; conversely, however poorly targeted enforcement can undermine effective protection. **It is a criminal offence to execute, or cause to execute, work to a listed building which affects its character as a building of special architectural or historic interest without listed building consent.** It is also an offence to fail to comply with any conditions of a listed building consent (*bold is my emphasis*).

4.5.12 Para 5.33 When faced with a breach of listed building control, local planning authorities will need to consider whether to take enforcement action or to prosecute or both. Enforcement may be desirable for the benefit of the building in question, while the work entailed by enforcement may represent a sufficient response to the offence without the additional need for prosecution.

The statement in bold is repeated in annex B.

4.5.13 Annex B

Prosecution and Enforcement

B.8 It is a criminal offence to execute, or cause to execute, work to a listed building which affects its character as a building of special architectural or historic interest without listed building consent.

Useful definitions of an HIA, His and Mitigation are provided in the Glossary and state:

Heritage Impact Assessment

Heritage impact assessment is a structured process to ensure that the significance of a historic asset is taken into account in the development and design of proposals for

change. It is a core part of the design process, which tests whether the proposals for change to a historic asset are appropriate by assessing their impact on its significance.

Heritage Impact Statement

The results of a heritage impact assessment are summarised in a heritage impact statement which is submitted with an application for listed building consent, conservation area consent or, where requested, scheduled monument consent. It provides an explanation of the proposed work and the reasoning for it, an assessment of the significance of the asset, and the impact of the proposed work, design options and preferred approach, and an access statement, if required. Heritage impact statements are proportionate to the significance of the asset, and the degree of change proposed.

Mitigation

Mitigation is the action to take to avoid or minimise any harm to the significance of a historic asset.

4.6 Technical Advice Note (TAN) 12 Design

4.6.1 TAN 12 provides advice on design considerations and, in relation to housing design, it states that local planning policies and guidance should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character;
- promote layouts and design features which encourage community safety and accessibility;
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles;
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building;
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards;
- secures the most efficient use of land including appropriate densities; and

- consider and balance potential conflicts between these criteria.

4.7 Heritage Impact Assessment in Wales, Cadw, May 2017

4.7.1 Heritage Impact Assessment in Wales sets out the general principles to consider when planning changes to historic assets and applying for listed building, conservation area and scheduled monument consent.

4.7.2 It is noted that protection of an historic asset *“need not prevent change which can increase the long-term sustainability and economic viability of historic assets.”*(Introduction paragraph 4).

4.7.3 Chapter 3 states *“Your heritage impact assessment should take into account sufficient information to enable both the significance of the asset and the impact of change to be understood. It should be proportionate both to the significance of the historic asset and to the degree of change proposed.*

If you want to make a small change that is likely to have only minimal impact, then a short assessment which focuses on the part of the historic asset that will be affected, with a brief explanation of how it relates to the asset as a whole, will be sufficient. In such a case, the heritage impact statement submitted with a consent application is likely to be no more than a couple of paragraphs or a page or two at most.”(bold my emphasis).

4.7.4 Paragraph 4.2 repeats the heritage values of an historic asset used in assessing significance.

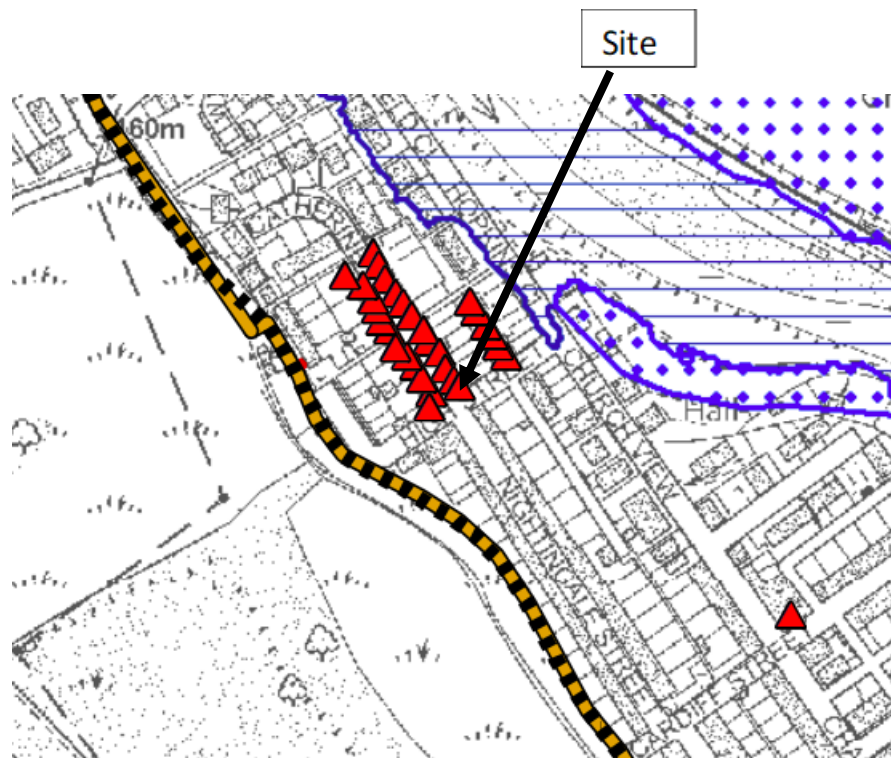
4.7.5 Paragraph 7.1 states that a HIS for LBC must include:

- a description of your proposed work, including the design principles and concepts, and a schedule of works, with reference to any photographs, plans and drawings that support your consent
- your reasoning for the proposed works, which explains what you intend to achieve and why the works are desirable or necessary
- a brief description of the special architectural or historic interest of your listed building and an assessment of its significance, with particular emphasis on those aspects that will be affected by your proposals
- an assessment of the impact of the proposed work on the special architectural or historic interest of your listed building and its significance, including potential benefits and any harm

- a summary of your options and the reasons for your preferred approach
- an access statement, if required.

4.8 Local Development Plan

- 4.8.1 Merthyr Tydfil County Borough Council adopted the replacement Local Development Plan 2016-2031 in January 2020.
- 4.8.2 The development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is the adopted Merthyr Tydfil Local Development Plan. The Local Development Plan forms the statutory framework for the development and use of land within Merthyr Tydfil County Borough.
- 4.8.3 An extract from the LDP constraints map is below. The dwelling is not located in a Conservation Area but is Grade II listed. The dwelling adjoins several listed cottages in a terrace formation indicated by red triangles in the plan extract below.



Notably the site lies within the defined settlement boundary and outside any planning constraint designations.

- 4.8.4 Relevant planning policies are considered to be:
- Policy CW1: The Historic Environment; and
 - Policy SW11: Sustainable Design and Placemaking.

- 4.8.5 Policy CW1 states *“The integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. Development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance”*
- 4.8.6 Paragraph 6.5.15 refers in particular to listed buildings and states;
“ Listed buildings are designated by Cadw who maintain the statutory ‘List of Buildings with Special Architectural or Historic Interest’. National planning policy and guidance contains a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration will be the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Applications for Listed building consent will also require a heritage impact statement demonstrating why the proposal is desirable or necessary and the impact of any change on its significance. Along with this legislation, this LDP Policy affords appropriate protection to existing statutory listed buildings and others that may be added to the list by Cadw over the Plan period.”
- 4.8.7 Policy SW11: Sustainable Design and Placemaking states:
“Development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design.
Where appropriate new development will be required to:
- 1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;*
 - 2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;*
 - 3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;*
 - 4. contribute to the provision of green infrastructure, including open space in accordance with the Council’s standards, sustainable drainage systems where*

appropriate, and ensure that the County Borough's network of green infrastructure is accessible and connected;

5. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards;

6. incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs;

7. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;

8. minimise the demand for energy and utilise renewable energy resources;

9. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;

10. incorporate measures to improve ground and surface water quality wherever possible;

11. provide adequate facilities and space for waste collections and recycling; and

12. promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour."

The proposed development does not conflict with the above criteria and the proposed development is in accordance with Policy SW11.

5.0 Planning Analysis

- 5.1 The application site occupies a sustainable location in close proximity to Merthyr town centre. As such the range of amenities, services, transport links and employment are easily accessible by different forms of transport.
- 5.2 The site has been vacant of any use for a significant period of time. The proposed replacement windows and door to the front elevation provides an opportunity for a beneficial re-use of the property providing a high-quality dwelling whilst respecting the character and appearance of the listed status of the dwelling. The proposal responds to the adjoining dwellings by retaining the form of the existing fenestration openings and the 12-pane window design referred to in the listing documentation.
- 5.3 The replacement fenestration is compatible with the existing design and listing and other surrounding land uses.

- 5.4 The replacement LDP policies are a planning consideration to have regard to in considering the merits of the LBC application. The proposed development is considered to comply with national and local development policies as referred to above satisfying policy CW1 and SW11 in the replacement LDP.
- 5.5 Regarding Policy CW1 it is considered that the 12-pane box sash style window design matching the existing windows along with a traditional designed front door will protect, preserve and enhance the architectural quality, character or the historic or cultural importance of the listed building.
- 5.6 Regarding Policy SW11 the proposed changes will contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design.
- 5.7 **Significance**
- 5.8 Regard has been had to the national guidance for works relating to heritage assets. In this case the HIA has considered the design, setting and nature of the listing referring to the CADW full listing copied above. The listing identifies the property as part of early industrial workers houses in the region. The property is part of a group of terraces which remain and for this reason the group are significant. The proposal is replacement of front fenestration with a sympathetic design to match the existing windows (as referenced in the listing) and a more traditional character door. The aesthetic and communal value will therefore be maintained irrespective of the proposed materials. A tabulated HIS is summarised below. As referred to in the guidance (emphasised in bold above) the length of the Significance and HIS comment is proportionate to the changes proposed.
- 5.9 Heritage Impact Statement table summary:

Proposed Work	Objective	Significance of affected fabric	Assessing beneficial impact	Assessing harmful impact	Proposed solution
Replacement window and door to garden facing elevation	To improve energy efficiency by making dwelling water/draft tight.	The dwelling survives substantially as built. No change in external appearance by introduction of 12 pane sash windows and replacement door.	Original fenestration openings retained. Appearance of dwelling will be enhanced by sympathetically designed fenestration. Enhances the sustainability of the property allowing	Loss of some original materials used when building was originally built.	Design work to minimise impact by reflecting existing design of 12 pane sash windows. Door design to be simple with single window.

			beneficial occupation for householders and sustained in use. Removes an eyesore from the street scene by sympathetically designed replacement fenestration		No change in external appearance.
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5.10 Access Statement

Access to the property is unaffected by the proposal. No change in threshold to doorway proposed, no ramp required or steps in place at present.

6.0 Summary

- 6.1 Planning Policy Wales emphasises that the development proposals that affect heritage assets should be considered taking into account the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
- 6.2 The proposal for the replacement windows and door at 12 Nightingale Street has been considered with special regard to the impact on the listed building. It has been shown that the works will have a beneficial impact on the designated heritage asset and will also enhance the appearance and character of the building itself as well as the wider heritage area.
- 6.3 The proposal will bring back into beneficial use a residential dwelling in a sustainable location, ensuring the historic asset's future use.
- 6.4 The development has been shown to comply with national and local heritage policies and guidance referred to above.
- 6.5 The proposed development has been subject to appropriate HIA in accordance with published guidance producing the HIS table as required to support an application for LBC. This Planning and Heritage Statement has identified that the proposed development complies with national and local planning policy. The assessment undertaken indicates there are no other material considerations which suggest any harm would outweigh the benefits of the proposed development as a sustainable development to the heritage asset.
- 6.6 Design in the street is dictated by the existing fenestration openings and overall street scene. The form of the terrace is unchanged. What has changed is the introduction of UPVc windows and doors to most of the listed

properties in Nightingale Street. Fortunately, in most cases the openings have not been altered which allows the character of the streets to be preserved in its original form. It is considered that the special character and appearance of the street as a whole would be unaffected by the proposal to use UPVc materials for windows and door.

- 6.7 Correspondence with the LPA has confirmed that there has been no formal enforcement action regarding unauthorised listed building works in the street. Several properties which are also Grade II listed have chosen to replace windows and doors with UPVc products of various designs. Some of these do not appear to be sympathetic to the design and listing of their host property. Unauthorised works to listed buildings do not acquire immunity through time, as other operational development does, and as such it is open at any time, subject to expediency, to take formal enforcement action. The Enforcement Register does not appear to contain any evidence of such action having taken place. This may be because the LPA did not consider fenestration works did require LBC or that, which is more likely in my professional opinion, that the expediency of formal enforcement action was not considered appropriate. These matters are considered to be material to the determination of this application.
- 6.8 In this case the applicant has been honest and upfront with the LPA in submitting a LBC application for the works proposed. It is considered the proposed works do not detract from the character and appearance of the terrace(s) as a whole and the purpose of the listing. It is noted that previous LBCs have been issued with materials similar to that proposed by the applicant whereas the majority of similar fenestration materials have not sought any form of LBC approval.
- 6.9 Overall, the proposal for replacement windows and door has been shown to enhance and better reveal those elements that make a positive contribution to the significance of the heritage assets and it is respectfully requested that these proposals are looked upon favourably and approval of LBC is issued accordingly.

Supporting plans and photographs



Style of proposed door excluding knocker and frame.
Proposed frame has existing style of frame with glazing

Existing and proposed elevations, section and site location plan**Existing Photographs**

Existing front elevation showing 12 pane box sash windows and door light.



Listed properties to rear showing UPVc in use in Nightingale Street



Unsympathetic front extension in terrace and communal walkway to terraced properties



Unsympathetic UPVc door and window design in Nightingale Street



Unsympathetic UPVc door design in Nightingale Street