
Delegated report Officer: Laura Rix

Application ref. DMPA/2025/0186

Listed Building consent for the installation of secondary glazing to study, second floor bathroom and second floor landing windows at Broughton House, 141 London Road, Shardlow, Derby, DE72 2HA

Valid date: 25/02/2025

Consults expired: 04/04/2025

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2015/0762: Painting of render on rear and side elevations using stone-coloured mineral silicate paint, removal of render on garden wall and repair/repoint brickwork as necessary and reinstate render, with incised ashlar effect, to outside face. Install trellis over garden wall beyond arched gateway on wilne lane and replace five bar gate with solid gate and erect pergolas to side and rear of property -

Approved STC

9/2002/1226: Taking down and rebuilding of stone ashlar chimney together with the replacement of first floor front sash windows and the installation of two flues - Permitted STC

9/2002/0690: Internal alterations - Permitted STC

Responses to consultations and publicity

Conservation Officer

The Conservation Officer raises no objections as there will be no harm to the Listed Building, nor the character and appearance of the Conservation Area.

Public Comments

One representation has been made:

- The proposed works don't require an application.

Relevant policy, guidance and/or legislation

The Planning (Listed Building and Conservation Areas) Act 1990 requires an application for listed building consent to be submitted for all applications requiring alteration, extension, or demolition to a listed building.

In determining planning applications with respect to Listed Buildings, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

It is noted that whilst applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise, this does not apply to the consideration of listed building consent applications.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017.

Local Plan

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments under regulation 19 will not expire until 25 April 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is very low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

The relevant Development Plan policies are:

Local Plan Part 1

S2 (Presumption in Favour of Sustainable Development)
BNE2 (Heritage Assets)

Local Plan Part 2

BNE10 (Heritage)

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document
Shardlow Conservation Area Character Statement

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

National policy on proposals affecting heritage assets and considering potential impacts are contained in paragraphs 207 to 221 of the NPPF.

Planning Practice Guidance (PPG)

The relevant legislation is:

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application is/are:

- The impact on the historic fabric and external appearance of the listed building.

Planning assessment

Application Site

Broughton House, 141 London Road (the site) is a Grade II Listed early C19 dwelling. The dwelling is a merchant house, built as part of Shardlow's developing inland port. The front of the dwelling is Ashlar, whilst the rear is rendered at ground floor level with red brick above. The proposal relates to the rear elevation of the dwelling which has three bays, and three stories (the dwelling is accessed via steps to the front, the ground level was a basement). The rear elevation has glazing bar sash windows below wedge lintels. The site is within the Shardlow Conservation Area.

Proposed Development

Listed Building Consent is sought for the installation of secondary glazing to three windows within the rear of the dwelling. Moving North to South, Window 1 is located to the rear of 139 London Road accessed via a staircase within Broughton House. Window 2 is located within the Northernmost bay at second floor level and window 3 is located within the middle bay at second floor level. The secondary glazing units will be internal sliding sash with a middle bar in the same position as the existing windows and fixed within the window reveals.

Main Issues

The proposed development will introduce secondary glazing to three traditional windows. The change will be internal. It is noted that the proposed units would have the same sash opening as the existing timber windows, and the internal glazing bar will be positioned to match the existing windows. The units will not affect the historic fabric of the building and will not interrupt any historic features. The Conservation Officer raises no objections to the proposal as the units would cause no harm to the Listed Building nor the character and appearance of the Conservation Area. The use of secondary glazing improves the thermal comfort of the dwelling whilst retaining the existing windows. The duty to preserve and enhance has therefore been met, and allows the continued use of the dwelling. Therefore it is considered that there will be no harmful impact upon historic fabric and external appearance of the Listed Building in accordance with policies BNE2 and BNE10.

Conclusions and the Planning Balance

The use of secondary glazing units is a sensitive approach to improving the efficiency of the building and providing thermal comfort whilst retaining the historic fabric of the existing timber sash windows. The proposals would preserve the character and significance of the heritage asset in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, BNE2 of the Local Plan Part 1 and BNE10 of the Local Plan Part 2 and is therefore considered acceptable.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	04/04/2025
Report agreed:	10/04/2025
Authorised officer:	Jenny Blair
