

Appeal Decision

Site visit made on 27 March 2017

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2017

Appeal Ref: APP/H0724/D/16/3165381

Crescent House, South Crescent, Hartlepool TS24 0QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Lamb against the decision of Hartlepool Borough Council.
 - The application Ref H/2016/0454, dated 13 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is described as 'Proposed replacement of existing defective timber vertical sliding sash window frames.'
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Decision

1. The appeal is dismissed insofar as it relates to the windows on the north-east facing side elevation. The appeal is allowed insofar as it relates to the windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation and planning permission is granted for the installation of replacement windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation at Crescent House, South Crescent, Hartlepool TS24 0QG in accordance with the terms of the application, Ref H/2016/0454, dated 13 October 2016, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, SL/001 Rev A, SL/002 Rev A.
 - 3) The windows hereby approved shall be coloured white unless otherwise agreed in writing with the Local Planning Authority.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, the Council's decision notice describes the proposed development as 'Installation of replacement windows' and I note that the appellant has used this description on the appeal form. This revised description more appropriately describes the proposed development, and I have therefore considered the appeal on that basis as no party would be prejudiced or caused any injustice by me taking this course of action.
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Main Issue

3. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Headland Conservation Area.

Reasons

4. The appeal property is an imposing 2 storey end terraced house located on South Crescent within the Headland Conservation Area (the Conservation Area). The Conservation Area forms the original settlement of Hartlepool. Its unique character derives from the peninsula location and from the principally 19th century residential architecture.
5. The appeal property is one of a number of buildings within the Conservation Area which are subject to an Article 4 Direction. The Council's officer report makes reference to extracts from guidelines approved by the Council's Planning Committee in respect of replacement windows in Conservation Areas on unlisted buildings subject to an Article 4 Direction. The guidelines indicate that replacements of traditional windows should, in terms of design and detailing, be appropriate to the age and character of the building and the character and appearance of the conservation area. The guidelines further state that the use of traditional materials will be encouraged however the use of modern material will be accepted provided that the window is of a design, profile and opening mechanism matching those of the traditional window.
6. On the north-east facing side elevation, where the main entrance to the house is located, the existing windows are multi-paned 6/6 or 4/4 timber sliding sashes. The uniform appearance of the windows on this principal elevation presents a pleasingly cohesive façade to the street, and makes a positive contribution to the Conservation Area. On the south-east facing front elevation, the windows at the front of the bays are 2/2 timber sliding sashes and the windows at the sides of the bays are 1/1 sashes. Again, this consistency of design within the front elevation results in an attractive and unified appearance which contributes positively to the Conservation Area. The windows on the remaining elevations to the rear of the appeal property are diverse in terms of their design. Some have a 2/2 pattern of glazing and others have multiple panes, some have horns and others do not. These rear elevations are not particularly visible, and make a neutral contribution to the Conservation Area.
7. It is proposed that all the windows would be replaced with 2/2 uPVC sashes with the exception of the side windows on the front bays which would be 1/1 as existing. The windows would be heritage vertical sliding sashes. The Council has not raised any objections to the proposed materials, profile and opening mechanism of the replacement windows. On the basis of the submitted details and my observations on site, when I noted that a number of neighbouring properties appear to have similar replacement windows, I have no reason to take a different view. Rather, the Council's concern relates to the design of the proposed replacement windows on the rear and side elevations, with particular reference to the proposed replacement of the multi-paned sash windows with 2/2 sashes.
8. The loss of the historic multi-paned windows on the north-east facing side elevation would dilute the impressive appearance of this façade. As such, I conclude that this element of the appeal proposal would fail to preserve the character and appearance of the Headland Conservation Area, and would be

contrary to the design and heritage conservation and enhancement aims of Policy HE1 of the Hartlepool Local Plan and Part 12 of the National Planning Policy Framework (the Framework).

9. As set out in paragraph 132 of the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm requires clear and convincing justification. In the parlance of the Framework, the identified harm to the designated heritage asset is less than substantial and should therefore be weighed against the public benefits of the proposal. The refurbishment of the appeal property and improvements to security, energy efficiency, internal comfort and future maintenance demands do not amount to public benefits sufficient to outweigh the harm caused to the designated heritage asset.
10. The Council raises no objection to the proposed replacement windows on the south-east facing front elevation. Their detailed design, profile and opening mechanism would match those of the traditional windows on this elevation and therefore I have no reason to take a different view. Whilst some of the existing windows on the north-east and north-west facing rear yard elevations and the south-west and north-west facing rear elevations are multi-paned, the majority are not. The replacement of all these windows, which are not highly visible within the Conservation Area, with 2/2 heritage vertical sliding sashes would not have a deleterious effect on these secondary elevations. I therefore conclude that these elements of the appeal proposal would preserve the character and appearance of the Headland Conservation Area. As such, these elements would accord with the design and heritage conservation and enhancement aims of Policy HE1 of the Hartlepool Local Plan and Part 12 of the Framework.

Conditions

11. I have imposed a condition specifying the relevant drawing as this provides certainty. In order to safeguard the character and appearance of the area, I have imposed a condition relating to the colour of the windows.

Conclusion

12. I note the appellant's reference to other uPVC replacement windows in the vicinity of the appeal site. However, in the absence of any details relating to the planning history or site circumstances of these other windows I cannot make any comparisons with the appeal proposal. In any event I must determine the appeal on its own merits, and have done so.
13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the windows on the north-east facing side elevation and allowed insofar as it relates to the windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation.

CL Humphrey

INSPECTOR