
Appeal Decision

Site visit made on 21 March 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 20 April 2017

Appeal Ref: APP/X1735/W/16/3163927

The Richard Cobden Public House, 74 - 76 West Street, Havant PO9 1LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Wayne Harris against the decision of Havant Borough Council.
 - The application Ref APP/16/00493, dated 9 May 2016, was refused by notice dated 12 July 2016.
 - The application sought planning permission for 'revisions to approved application APP/15/00363: Conversion of existing Public House to create 5 No. flats' without complying with conditions attached to planning permission Ref APP/16/00140, dated 6 April 2016.
 - The conditions in dispute are No 3 which states that: 'all works of external repair, restoration and replacement shall faithfully match the original features and materials, unless otherwise agreed with the Local Planning Authority in writing. The tiles for the rear north elevation shall be David Cover & Sons Ltd – Heritage Edwardian and render to be Sandtex Umber Stone'; and No 4 which states that: 'the windows at ground floor level within the front elevation of the building shall be retained unless otherwise agreed in writing with the Local Planning Authority'.
 - The reason given for the condition 3 is: 'to secure a satisfactory and sympathetic form of development and having due regard to policy CS11 of the Havant Borough Local Plan (core Strategy) 2011 and the National Planning Policy Framework'; the reason given for condition 4 is: 'in order to retain important features or materials which may be of benefit in maintaining the history or character of the area and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form states that permission is sought to vary condition Nos 3 and 4 associated with the original planning application (APP/16/00140). However, subsequent to the submission of a separate application (APP/16/00849), the issue of condition 4 has now been resolved. The appellant has since confirmed that they are now seeking removal of condition 3 only. I have dealt with the appeal on this basis.
 3. Planning permission was granted in April 2016 for the residential conversion of the former Cobden Arms Public House to five flats. Condition 3 of that permission stipulates that 'all works of external repair, restoration and
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replacement shall faithfully match the original features and materials'. Works to date have involved the installation of uPVC windows to the first and second floor windows on the building's front (south) elevation, in breach of condition 3. The appellant now seeks to vary condition 3 to enable the retention of the first and second floor uPVC windows.

Main Issue

4. The main issue is whether the disputed condition is reasonable or necessary, having regard to the whether the installation of uPVC windows has preserved or enhanced the character or appearance of the Black Dog Conservation Area.

Reasons

5. The relatively small Black Dog Conservation Area (the Conservation Area) comprises a section of West Street, the significance of which derives, in part, from the compact frontage of 18th and 19th century buildings on the north side, which includes the appeal premises. The form, scale, materials and detailing of these traditional buildings are defining features of its character and appearance.
6. The late 19th century appeal property presents a handsome frontage onto West Street, including a traditional pub-front and surround, and three canted bay windows on the first floor. The photograph of the appeal building shows the pre-replacement first floor windows consisted of traditional, timber sliding sashes. One of the upper storey dormer windows was a timber one-over-one sash, whereas the other two dormers had single pane, fixed timber frame windows. In its pre-converted state, therefore, the appeal building presented a consistency of materials, authentic to the time of its construction, which made a positive contribution to the character and appearance of the Black Dog Conservation Area.
7. While I recognise the appellant's efforts to source a product that mimics the design and appearance of the timber windows, I cannot agree that the result has successfully replicated the visual qualities or method of construction associated with traditional timber joinery. I observed that even with wood-effect grain, the finish of the modern uPVC replacements is discernibly different to the texture of painted wood. While the new windows may employ the same method of opening as the timber sashes, they only superficially replicate the detail and design of traditional carpentry, particularly in details such as the mitred joints. The central glazing bars, for example, are applied internally to the face of the glass, and are not integral to the construction of the window itself. Fundamentally, uPVC is a non-authentic material that is alien to a building dating from the late 19th century. The use of uPVC in the replacement windows has resulted in the incremental loss of a traditional material, to the detriment of the appeal building, and to the Conservation Area as a whole.
8. Therefore, I consider the use of uPVC to be out of keeping with the character and appearance of the Conservation Area. Although less than substantial harm has been caused to the significance of the designated heritage asset, any harm still requires clear and convincing justification and I must attribute that harm considerable importance and weight. I appreciate that, prior to its conversion to flats, the appeal building was in a state of disrepair and that there has been no criticism of the replacement windows from the public. In my view, the sensitive restoration of the appeal premises, and resultant benefit to fabric and

appearance of the wider Conservation Area, would have been achievable without deviation from the traditional features and materials. I also note the appellant's argument that the uPVC windows offer improved thermal efficiency, energy saving for future occupiers, and minimise ongoing maintenance. However, there are other strategies available to achieve such wider environmental benefits and there seems to be no reason why uPVC windows would be any more energy-efficient than replacement or upgraded timber. I therefore do not find the public benefits would outweigh the harm I have identified.

9. Accordingly, the development fails to preserve or enhance the character and appearance of the Black Dog Conservation Area. It would also run contrary to Policy CS11 and CS16 of the Havant Borough Core Strategy, 2011, which seeks to protect and enhance the borough's designated heritage assets and require the characteristics of the locality inform the design of new development, including materials and proportions of windows.

Other matters

10. Reference is made to the neighbouring property, where the Council have recently approved the installation of a uPVC window to replace a traditional timber sash. However, from the approved drawings and my site visit, it is apparent that the bay windows on either side of the central timber window already have uPVC windows inserted. I have no details by which the existing uPVC windows came to be present but it is clear that, with the exception of the central timber sash, the majority of the traditional windows had already gone within the neighbouring property; whereas the appeal property had retained entirely timber fenestration. Against this background, given the circumstances of the two sites are different; I find no reason to justify allowing the harm I have identified in relation to the appeal premises. In light of the fact that I consider uPVC would materially affect the external appearance of the building, including in relation to the building as a whole, I do not consider the potential for a future occupier to change the windows or the high court ruling cited warrant deviation from condition 3.

Conclusion

11. It follows therefore that the requirements set out under condition 3 are reasonable and necessary in order to preserve the character and appearance of the host building and the Conservation Area. In my view no material considerations have been put forward sufficient to warrant a departure from the development plan policy. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR