
Appeal Decisions

Site visit made on 4 July 2017

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

Decision date: 26 July 2017

Appeal A: Ref: APP/W4515/Y/17/3171092

2 Rosella Place, North Shields, Tyne & Wear NE29 0HU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Ward against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/01761/LBC, dated 20 October 2016, was refused by notice dated 20 December 2016.
 - The works proposed are the provision of dormer window matching adjoining dormer window at No 3 Rosella Place to replace existing Velux rooflight.
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Appeal B: Ref: APP/W4515/Y/17/3171094

2 Rosella Place, North Shields, Tyne & Wear NE29 0HU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Ward against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/01762/LBC, dated 20 October 2016, was refused by notice dated 20 December 2016.
 - The works proposed are to replace existing "Victorian" style sash windows (5) to south elevation only – to match the existing windows of the other three properties of the terrace and those existing windows of No 2 Rosella Place.
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Decisions

1. Appeals A and B are dismissed.

Procedural Matter

2. As set out above there are two appeals which relate to distinct works at the same property. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

3. The main issue raised by both appeals is the effect the proposed works would have on the special architectural and historic interest of 1-4 Rosella Place, a grade II listed building and designated heritage asset.

Reasons

The heritage assets

4. The appeal property is one of a terrace of four houses which are listed together and which the list description dates at around 1820 (the appellant considers them a few decades earlier). They share a visual unity to their front elevations, and the list description recognises that they have group value. However No 3 (formerly the central building in the block before No 5 was demolished) sits slightly forward of its neighbours and has more pronounced decoration to some elements.
5. The façade of each house has elegant proportions as a result of the regular disposition of sash windows set within a restrained arrangement of brickwork with stone basement level and stringcourses. Pitched roofs set between substantial chimney stacks contribute to the straightforward composition. This relatively simple façade arrangement is one of the listed building's attributes, alongside the relatively well preserved condition of the terrace, the retention of early or original features, their age and that they remain in residential use. These are features which contribute both to the building's historic and special architectural interest and to its significance as a heritage asset. No 2 is notable in that its first and second floor front sash windows do not have the distinctive six over six pane glazing arrangements of its neighbours.
6. The terrace lies within the Camp Terrace Conservation Area where the largely terraced residential buildings, interspersed with some more recent buildings, create an attractive, historic and relatively cohesive townscape. Rosella Place makes a positive contribution to this general character and appearance.

Dormer window

7. The Appeal A scheme proposes a dormer window to the front elevation which seeks to match the design of an existing modest pitched roof dormer at No 3. There is no evidence to suggest that dormer windows to the front of the properties formed part of the terrace's original composition. Nos 3 and 4 have dormers of differing sizes and appearance, and Nos 1 and 2 have rooflights in their front roof slopes. The effect of these features does not create a consistent appearance above eaves level. The three rooflights on No 2 are different sizes and of a modern type and appearance. They disrupt the simple lines of the front roof slope roof and sit proud of the roof plane.
8. The proposed dormer is illustrated on the drawings as occupying a location similar to that currently occupied by the largest of the existing rooflights. There is no indication that the rooflights on either side (only one of which is shown on the drawings) would be removed or altered.
9. The works would introduce a feature which would further disrupt the lines of the roof and be a more conspicuous addition to the frontage compared to the arrangement which currently exists. The dormer would detract from the relatively simple façade arrangement above which it would be set. Notwithstanding that the roofs of the terrace display a number of alterations, the dormer would compound the interruptions to the front roof planes and as a result detract from the composition of the roof of No 2 and the terrace. Any benefits of removing one of the rooflights would be negated by its replacement with a more substantial structure.

10. Its incongruous appearance would be emphasised by it being offset from the regular arrangement of windows below. Its intrusive effect would only be reduced by a very limited degree due to the proximity of the existing dormer of similar design at No 3, deriving some uniformity as a result. However, this would not significantly mitigate its adverse effects and it would consequently harm the special interest and hence significance of the listed building.
11. Although the Council's reason for refusal does not refer to the Conservation Area, I am nonetheless required to consider the works' effect on that Area's character and appearance. The listed building occupies a prominent location at the edge of the Conservation Area. Notwithstanding that there are other dormers elsewhere on terraced properties in the Area, the detrimental effect of the dormer on the special architectural and historic interest of the listed building leads me to consider that the character and appearance of the Conservation Area would be similarly eroded, harming its significance.

Replacement Windows

12. The works which are the subject of Appeal B comprise the replacement of existing vertical sliding sash windows at ground and first floors to the front with windows with glazing bars. The other three buildings have windows to the front elevation with sashes with a six over six pattern of individual glass panes separated by slim glazing bars with narrow meeting rails and all (with the exception of two windows) without 'horns'. Existing windows in the rear elevations, including that of No 2, also have slender glazing bars, albeit configured in an eight over eight pattern of panes. The two windows in the basement at the front have a three over three pane pattern.
13. The five existing windows differ from those of their neighbours by having slightly wider meeting rails, horns on their stiles and single large panes of glass in each sash. Although the appellant considers that they date from the mid C20 there is no documentary evidence to support this. The Council consider them older and their design, detailing and appearance are consistent with windows of an earlier type. Regardless, the existing sashes themselves have a degree historic significance as a result of their contribution to illustrating the evolution of the property.
14. Very little information has been provided about the condition of the windows to support the appellant's view that the bottom sashes are beyond repair other than a coloured diagram from an unspecified contractor. This is unclear in the extent to which it relates to just the condition of the sashes or the boxes as well and whether the annotations are specific to particular windows or general comments relevant to all of them. Whilst, from my observations, the windows were in many cases painted shut and ill fitting, there is insufficient evidence before me to conclude that their replacement would be unavoidable purely on the basis of their condition or state of repair.
15. Nevertheless, the reintroduction of a glazing pattern which better reflects the period and style of the overall terrace theoretically has the potential to enhance the aesthetic appearance of the listed building and the general appearance of the Conservation Area. I note that a regional amenity body supports the proposal for that reason.
16. The appellant intends to match details with existing windows in the property and others in the terrace. I accept that a detailed analysis of these existing

examples has the potential to yield an understanding of their age and design and also to inform accurate replicas of the sashes and their glazing bars to be made. However, beyond a general indication on the plans, no large scale drawings or joinery details have been presented. Furthermore no specification of the glass to be used or method of hanging has been provided. Nor have the extent of the works been defined as to whether they relate just to the sashes or include works to, or replacement of, the box frames in which they are set, and if so what the implications might be to historic fabric. It would not be appropriate for me to speculate on such details.

17. The justification necessary for the proposed restoration of six over six pattern sashes requires a finely balanced judgement between the benefits of recovering the scale and proportion of an historic design and the loss of later, but nevertheless historic, fabric. The replacement of sashes with ones whose details and specification were inappropriate, or the loss of other historic joinery would harm the listed building's significance. Therefore the lack of detailed proposals for the replacement windows means that I cannot conclude the proposal would not harm the significance of the listed building or preserve its special interest, nor that of the Conservation Area.
18. I have considered whether conditions could adequately mitigate these concerns. However, the degree of uncertainty about details and scope is such that I cannot be sure that any conditions would be effective and capable of implementation. In view of the great weight required to be given to the heritage assets' conservation I am unable to conclude that the proposed works would not harm the significance of the listed building or the Conservation Area.

Previous permission

19. The appellant considers that a 'fallback' exists for the works in the form of a previous permission for a larger box type dormer and similar window arrangement. He points to a planning permission granted in 1978 which included a dormer window amongst other works. He contends that as the other works were implemented that an extant permission remains for the dormer. He has also provided a plan entitled 'drawing showing existing property'. This is stamped as being approved and which shows the five windows subject to Appeal B with a 'six over six' pattern next to which is a handwritten and initialled annotation to this effect.
20. The appellant has provided a decision notice granting planning permission but no notice or other confirmation that listed building consent was granted. Conversely, the Council's Recommendation Report refers to listed building consent having been granted but that planning permission had not been, although citing the same reference number as the certificate provided by the appellant.
21. Nevertheless, the Council consider that such works could not implemented without approval under both planning and listed building regimes. So whilst it would appear on the basis of the evidence before me that planning permission was granted for a front dormer it is both less certain whether this extended to replacement windows and particularly whether listed building consent was granted as well. There is consequently considerable ambiguity as to whether any such works could be lawfully executed and therefore be realistically implemented as an alternative to the works which are the subject of the

appeals. This significant uncertainty means that I can only give very limited weight to such a fallback scenario.

Consideration and balance

22. For the above reasons both the dormer window and the replacement windows would fail to preserve the listed building and would cause harm to its special interest and the character and appearance of the Conservation Area, and hence their significance. The desirability of preserving, and in the case of the Conservation Area also potentially enhancing, such attributes is something to which I have had special regard and paid special attention.
23. In finding harm, this is a matter to which I have attached considerable importance and weight. However, this harm would be less than substantial due to the limited scale of the works in relation to the listed building and their localised effect in relation to the whole Conservation Area. The National Planning Policy Framework requires such harm to be weighed against the public benefits of the proposal. However, the benefits of the dormer would be to the occupiers of No 2 rather than generating any such public benefits which would outweigh this harm to the significance of either of the designated heritage assets.
24. In the absence of sufficient information to indicate otherwise, the replacement windows would harm the listed building's and Conservation Area's significance. It has consequently not been demonstrated that any public benefits which could potentially arise, including from a more uniform appearance of the listed building, would necessarily accrue. Therefore, it has not been satisfactorily demonstrated that this harm would be outweighed by any public benefits.
25. There is no requirement for listed building consent applications to be determined in accordance with the development plan. Nevertheless the works would not accord with saved UDP¹ Policy E17/3 which resists development which adversely affects listed buildings' special interest.

Conclusions

26. For the above reasons, and having considered all other matters raised, the works would harm the special architectural and historic interest of the listed building and the Conservation Area. Therefore Appeal A and Appeal B are dismissed.

Geoff Underwood

INSPECTOR

¹ North Tyneside Council Unitary Development Plan, 2002.