



Appeal Decision

Site visit made on 25 January 2018

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2018

Appeal Ref: APP/G1250/F/17/3180601

4/4a Westbourne Arcade, Poole Road, Bournemouth, BH4 9AY

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Castle Square (Brighton) Ltd against a listed building enforcement notice issued by Bournemouth Borough Council.
- The enforcement notice was issued on 21 June 2017.
- The contravention of listed building control alleged in the notice is that unauthorised works have been undertaken to:
 - i) replace two single glazed timber framed top opening windows in the rear elevation with double glazed sliding sash units;
 - ii) install insulation to the internal side of all the external walls and 2nd floor ceilings, which has involved the loss of the original window cills and surrounds and the loss of the original skirting boards to each room affected, and also the loss of dado rails and cornicing to 1st floor kitchen, and cornicing to the 1st floor bathroom and rear bedroom;
 - iii) install two roof lights to the front roof slope to a size, position and specification which had not been agreed.
- The requirements of the notice are:
 - i) Remove the unauthorised windows (shown in photo 1, appendix A attached to the notice) and reinstate the 1st and 2nd floor bedroom windows to either their previous specification (single glazed timber framed top opening casements as per image in photo 1, appendix A attached to the notice) or install timber framed single glazed sliding sashes with a vertical glazing bar and horns (to a design and moulded profile to match the other sashes in the rear elevation of the two flats - see photo 1, appendix A attached to the notice). Window frames to be painted white.
 - ii) Remove internal insulation from walls (shown in drawing 1, Appendix B attached to the notice) and 2nd floor ceiling to expose original walls and ceiling, make good with lime plaster walling and lath and plaster ceiling, and reinstate timber skirting to match the previous situation (examples of skirting shown in appendix A, F and G attached to the notice). Restore window surrounds and cills to the previous situation (including the window cill depth as illustrated by the window shown in photo 3, appendix C attached to the notice). Reinstall the timber dado rail and cornicing to the 1st floor kitchen and lounge (to the specifications illustrated by photographs 4 and 5 in Appendix D attached to the notice), reinstate the cornicing to the 1st floor bedroom and bathroom (as per the specification illustrated in photographs 6 and 7, appendix E attached to the notice). Following removal of the insulation wiring shall be via existing conduits or if necessary wiring shall be routed via trunking planted on walls (not set into wall) located just above the skirting boards, sockets to be set at the same level, and lighting to be via a single pendant light to each room.
 - iii) Remove the unauthorised roof lights (illustrated in photos 10 and 11, appendix H attached to the notice) and either restore roof and ceiling (with a lath and plaster ceiling, timber battens and rafters, and natural slates to the roof

covering); or install smaller conservation roof lights (making good the resulting gap utilising the materials specified above), to the position shown in the approved elevation drawings, to a maximum internal size of 490mm x 779mm, with a central vertical glazing bar, with a metal external frame (black or grey finish) and timber internal frame, with the roof lights set in the roof flush with the exterior roof covering.

- The period for compliance with the requirements is three months.
 - The appeal is made on the grounds set out in section 39(1) (c), (e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of two single glazed timber framed top opening windows in the rear elevation with double glazed sliding sash units; the retention of insulation to the internal side of all the external walls and 2nd floor ceilings; and, the retention of two roof lights to the front roof slope.

Main Issue

2. The main issue in the ground (e) appeal is whether the works subject to the notice preserve the listed building or its setting or any features of special architectural or historic interest it possesses.

Appeal Site

3. The appeal property is a three storey with basement commercial building forming part of a Victorian shopping arcade with an arched glazed roof between the first and second floors of the building. The list description describes the facades at the Poole Road and Seamoore Road entrances to the arcade. The interior is described as gently curving with arched glazing bars to the shops mostly intact; buff brick 1st floor with red brick bands and stone frieze joining lintels.
4. The ground floor is in commercial use and the two upper floors have been renovated and converted into two self-contained flats although they have yet to be furnished and occupied.
5. The property is within the Westbourne Conservation Area
6. In September 2016, listed building consent and planning permission were granted for alterations, installation of roof lights and conversion of 1st and 2nd floor maisonettes into two flats.

Reasons

Appeal on ground (c)

7. An appeal on this ground is that the matters if they occurred do not constitute a contravention. The principal issue in this ground is whether the works have been such as to affect the character as one of special architectural and historic interest, either positively or negatively, and is a matter of fact and degree.
8. The roof lights do not have consent due to a pre-commencement condition failing to be satisfied. The installed roof lights affect the character of the building, as do the replacement of windows on the rear elevation with double

glazed units. The internal insulation has led to changes in the depth of window cills but I consider this to have a *de minimis* effect on the character. The removal of the original skirting, dado rails and cornicing also affects the character of the listed building.

9. I consider that the works that have been carried are not authorised and require listed building consent.
10. The appeal on this ground fails.

Appeal on ground (e)

11. An appeal on this ground is that listed building consent ought to be granted for the works.
12. The appellant considers that the group value is the reason for the listing and not the architectural interest of the individual properties and certainly not the internal interest such as internal chimneys or staircase which is of no historic merit. However, as the Council correctly point out, the group makes up the whole building that forms the Arcade and that Historic England makes it clear that the whole of a building is listed, including the interior, and that descriptions are not a comprehensive or exclusive record of the special interest or significance of the building.
13. The replacement windows on the 1st and 2nd floor of the rear elevation are double glazed timber sash windows with horns. The previous windows were casement windows for which no information has been submitted prior to their removal to show that they were either inappropriate or beyond repair. Photo 2 of Appendix A attached to the notice shows the casement in the first floor rear bedroom and it is evident that this is distinctly different in style to the replacement. I note that the Council indicates that had a case been made to replace the windows with a single glazed sash, then a vertical glazing division would have been appropriate to match others in the rear elevation. Notwithstanding this, the replacement windows appear better related to the design of the rear windows of adjoining premises than the original and, although they affect the character, they do not cause any material harm to the character or significance of the building, despite being double glazed and resulting in the loss of some of the historic fabric of the building.
14. The roof lights are situated on the front roof slope but above the level of the glazed canopy of the arcade. They are not visible from within the arcade or from positions elsewhere. They are about 600 x 900 mm in size with a central division. The roof light in the 2nd floor kitchen is placed centrally above the window but the roof light in the 2nd floor bedroom is offset to the position of the window by about half the width of the window. The internal appearance of the rooms would have benefitted from the roof lights being positioned further up the roof slope; being shorter in length; and, the roof light in the bedroom being positioned directly above the window. The requirements of the notice specify a maximum internal size of the roof lights of 490 x 779 mm but do not seek any specific repositioning in the roof slope.
15. The external walls have been insulated, the visual effect of which is difficult to observe other than the loss of dado rails and cornicing, and the replacement of skirting. I do not consider the change in the depth of the window boards to be either significant or unacceptable. The replacement skirting is of an

appropriate profile that appears not too dissimilar to the original skirting illustrated in the photos attached to the notice. Although the dado rail and cornicing seem to have been original to the building, they do not appear to be of anything other than ordinary in appearance and their loss does not affect the significance of the building.

16. I have had regard to advice in Historic England's 'Energy Efficiency and Historic Buildings' referred to by the Council.
17. In my view, the majority of the unauthorised works, other than the roof lights, do not affect the character or significance of the building, which is represented by the architecture of the Arcade, its curving layout, glazed arched roof and internal facades, together with the entrances onto the streets. However, the introduction of the roof lights causes some harm to its character although I consider the level of harm to be less than substantial in the context of paragraph 134 of the National Planning Policy Framework. Additionally, this degree of harm is outweighed by the benefits arising from the development through the provision of two well-appointed flats.
18. It follows therefore that the works have not led to any harm to the character or the appearance of the Conservation Area.
19. For the reasons given above I conclude that the appeal should succeed on this ground.

Appeal on ground (g)

20. In view of my conclusion on the ground (e) appeal, it is unnecessary to consider the appeal on this ground.

Conclusions

21. For the reasons given above I conclude that the appeal should succeed.

P N Jarratt

Inspector