
Appeal Decision

Site visit made on 21 October 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/N1730/D/19/3234769

1 Weatherby Gardens, Hartley Wintney, Hook RG27 8PA

- 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 Mrs Waite against the decision of Hart District Council.
 - The application Ref 19/01233/HOU, dated 31 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is described as 'proposed windows and door replacement'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of replacement double-glazed uPVC framed windows to the north-east and south-east elevations of 1 Weatherby Gardens on the character and appearance of the Hartley Wintney Conservation Area (HWCA).

Reasons

3. The appeal site is located at the entrance of a 1960s neo-Georgian residential cul-de-sac located within the designated HWCA. The site is subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This has removed the permitted development rights for replacement windows and doors to the road facing elevations. As such, although planning consent is sought for replacement windows and door to three elevations, the works to the south-west elevation could be achieved under permitted development. No issue is raised with those works by the Council and, given this fall-back position, I have no reason to disagree with that assessment.
4. 1 Weatherby Gardens is an end of terrace property, which along with No 22 flanks the entrance of the cul-de-sac. No 1's south-east and north-east elevations are road facing and prominent. They form a visible part of High Street, which is a busy thoroughfare, running through the HWCA. Although the dwelling is set back from High Street and is screened to a degree by landscape features it remains visible and forms a part of the built environment viewed from the road and the commons opposite.
5. Furthermore, although a twentieth century development, the cul-de-sac exhibits some high-quality traditional features and is part of the HWCA. These features include the fenestration design in terms of its position and proportions,

the generous depth of reveals, the use of slender timber frames, glazing bars and horn details, and single glazing. Both Nos 1 and 22 appear little altered and such details cumulatively ensure that these properties have less impact on the significance of the HWCA at this point than modern development might otherwise. Furthermore, although I note the need for maintenance to the existing windows at No 1, their current condition does not diminish their contribution to the character and appearance of the area. Indeed, a strong feature of the HWCA generally is the prevalence of attractive, traditional windows.

6. The drawing submissions are limited to 1:50 scale elevation plans that show the proposed replacement windows would be identical to the existing. However, the submission goes on to detail that it is proposed to replace the existing single-glazed timber units with double-glazed uPVC ones. The appellant has not produced any detailed plans and in my experience, it is not possible to produce an identical detail using plastic and double-glazing in place of timber and single-glazing. This is exemplified by the various examples provided by the appellant and that I have viewed.
7. None of the examples within Weatherby Gardens are located so prominently as the appeal site and, as such, I do not consider that they set any precedent. A number of other examples from further afield within the HWCA have been brought to my attention. However, I do not have full details of how they came to be, and the context is not the same as the appeal site. Therefore, I have considered the proposal on its own merits.
8. I am mindful that the host building is relatively modern, and that the proposal would be seen in that context. Furthermore, the host building is set back from the road and as such it may be difficult to differentiate between the detail of the existing and any proposed double-glazed uPVC replacements. However, without the benefit of fuller details I am not sufficiently satisfied that this will be the case. Whilst neither party has suggested the use of a condition to require such details, I have given consideration to its use here. However, I am mindful that the appellant has raised financial considerations as a justification for seeking to use plastic frames instead of timber. There will inevitably be a range of replacement window products on the market, of varying quality and cost. In the circumstances I cannot be sure that a satisfactory solution for both main parties would be secured by imposing a condition. Furthermore, I note that Hartley Whitney Parish Council have raised objection to the proposal and may wish to comment on any further detail. Therefore, in the circumstances a condition would not be an effective means of resolving the matter.
9. The replacement of timber for plastic and single-glazing for double-glazing would erode the quality of the host building. The existing high-quality detail contributes positively to the significance of the HWCA. Given this and its prominent position, I consider that the proposal would harm the significance of the heritage asset based on the evidence before me.
10. Saved policies GEN 1 and CON 13 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 dated April 2009 (LP) amongst other aims, seek to protect local character and the character and appearance of the district's designated conservation areas. CON 13 reflects the statutory provisions at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Furthermore, the National Planning Policy Framework (the Framework) sets out at paragraph 124 and 130 the importance of good design and the need to refuse development that fails to improve the character and quality of an area. Additionally, paragraph 193 states that great weight should be given to the conservation of a designated heritage asset's significance. Furthermore, paragraph 196 sets out that where there is less than substantial harm, the harm needs to be weighed against the public benefits of granting approval.
12. Based on the evidence provided I consider that the proposed replacement windows would result in less than substantial harm to the significance of the HWCA. Public benefits may include employment generation through the works and enhancement to the energy efficiency of the home. However individually and cumulatively I do not consider that the public benefits would outweigh the great weight attributed to the less than substantial harm to the heritage asset.
13. Therefore, in conclusion on the main issue, based on the evidence provided, I find that the proposed replacement double-glazed uPVC framed windows to the north-east and south-east elevations would have a detrimental impact on the character and appearance of the HWCA and that there is insufficient public benefit to outweigh the harm. The proposal would be contrary to saved policies GEN 1 and CON 13 of the LP and Sections 12 and 16 of the Framework.
14. Finally, I have considered a range of other matters raised by the appellant including enhanced security provision, reduced air and noise pollution and the prohibitive cost of a like-for-like replacement. However, I consider that these matters are not sufficiently evidenced, and in any event, any benefits may be similarly secured by other means than currently proposed and in a manner that would be less harmful to planning interests. For example, I do not have cost comparisons for the various options, which may, based on my observations, include maintenance of the existing windows. Therefore, I attach limited weight to these matters, and I do not consider that they outweigh the conflict I have found with the LP and the Framework.
15. Therefore, on balance, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR