
Appeal Decision

Site visit made on 17 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/H1515/W/19/3229467

48 The Square, Hart Street, Brentwood CM14 4AR

- 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 Glenlynn LLP against the decision of Brentwood Borough Council.
 - The application Ref 18/01481/FUL, dated 18 September 2018, was refused by notice dated 8 March 2019.
 - The development proposed is replacement of existing windows, French doors and conservatories to all Flats 1-48 with new double glazed uPVC units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building; whether it would preserve or enhance the character or appearance of the Brentwood Town Centre Conservation Area and; the effect on the setting of the Grade II listed buildings, 108-114 and 120 High Street.

Reasons

3. The appeal building is a modern, substantial, residential development comprised of 48 flats. It occupies three road frontages and presents a variety of roof levels, ranging from two-storey to the imposing five-storey towers that are situated at the junction of Kings Road and Hart Street. The building also fronts Chatham Way. It is situated at the western extent of the Brentwood Town Centre Conservation Area (CA). It is a prominent feature within the wider street scene, rising as it does to the rear of a group of grade II listed buildings, Nos 108-114 and 120 High Street.
4. The CA comprises a mixture of retail, commercial and residential uses. The significance of this section of the CA and the listed buildings within, is derived from the historic pattern of development and the mix of traditional building materials and finishes which contribute to the richness of the street scene and its historic character and appearance. The appeal building, by virtue of its detailed design features and use of traditional materials positively contributes to the character and appearance of this part of the CA.
5. The proposal would see the replacement of all the timber framed windows, French doors and conservatories, with double glazed uPVC units. The details

submitted indicate that the new units would be set within existing openings and positions, and in that respect the pattern of the existing features would be retained. I acknowledge that defects have started to appear, and the appellant's intention is to use uPVC joinery that would be 'matching in details' and 'for the sizes to be replicated'. I also accept there would be some private benefits in terms of heat loss, durability and maintenance to the property from the double-glazed uPVC windows, French doors and conservatories. However, the appeal documents do not provide any substantive evidence to persuade me that the replacement products could achieve the desired results.

6. Whilst design has improved over the years and detailing has become more refined and slimmer, the technical finish is still different to wood, even with the introduction of wood effect products. The use of a non-traditional material would make it difficult to match the existing texture and detailing, and the glazing bars would inevitably have a different appearance, being either internal or applied. The differences would be exacerbated by the number of the openings on visually prominent elevations. The proposed replacement units would appear at odds with, and be unsympathetic to, the appearance of the host building and would detract from the positive contribution it otherwise makes to the significance of the character and appearance of the CA. Consequently, the proposal would harm the character and appearance of the host building, the significance of the CA and the setting of nearby listed buildings.
7. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) the harm caused to the heritage assets would be less than substantial. However, there are no identified public benefits that would outweigh the less than substantial harm that has been identified. This is a matter which weighs against allowing the development noting that paragraph 193 of the Framework states that great weight should be given to the asset's conservation.
8. The Council's decision notice refers to saved policy C15 of the Brentwood Replacement Local Plan 2005 (LP). However, it is clear that this relates to demolition, alterations or extensions to listed buildings. Given that the appeal building is not statutorily protected, saved policy C15 is not relevant to the determination of the appeal. The proposal would therefore conflict with saved LP policies CP1, CP14 and CP16, which collectively, and amongst other things, require proposals to have a high standard of design, to preserve or enhance the character or appearance of conservation areas and to not detract from the character or setting of listed buildings. The proposal would also be inconsistent with the conservation requirements of the Framework.

Conclusion

9. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector