
Appeal Decisions

Site visit made on 29 October 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 November 2019

Appeal A: APP/L3815/W/19/3223593

Westbourne House, North Street, Westbourne PO10 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs James and Steph Badcock against the decision of Chichester District Council.
 - The application Ref 18/02631/DOC, made on 3 October 2018, sought approval of details pursuant to Conditions 3) and 4) of a planning permission Ref WE/17/02788/DOM, granted on 30 May 2018 for change of use of stables and outbuildings to storage, home office and artist's studio.
 - The application was refused with regard to Condition 3) concerning details of windows but Condition 4) concerning rooflights was discharged, by notice dated 29 November 2018.
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Appeal B: APP/L3815/Y/19/3223597

Westbourne House, North Street, Westbourne PO10 8SN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by Mr & Mrs James and Steph Badcock against the decision of Chichester District Council.
 - The application Ref 18/02630/DOC, made on 3 October 2018, sought approval of details pursuant to Conditions 3) and 4) of a listed building consent Ref WE/17/02789/LBC, granted on 30 May 2018 for change of use of stables and outbuildings to storage, home office and artist's studio.
 - The application was refused with regard to Condition 3) concerning details of windows but Condition 4) concerning rooflights was discharged, by notice dated 29 November 2018.
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Decision Appeal A

1. I allow the appeal and approve the details of windows and glazing submitted in pursuance of Condition 3) attached to the planning permission for change of use of stables and outbuildings to storage, home office and artist's studio, Ref WE/17/02788/DOM granted on 30 May 2018.

Decision Appeal B

2. I allow the appeal and approve the details of windows and glazing submitted in pursuance of Condition 3) attached to the listed building consent for change of use of stables and outbuildings to storage, home office and artist's studio, Ref WE/17/02789/LBC granted on 30 May 2018.

Main Issue

3. In both appeals the main issue is the effect of the proposals on the architectural or historic significance of the Grade II* Listed Building and the character and appearance of the Westbourne Conservation Area.

Reasons

4. The Council have referred to various policies of the Chichester Local Plan; Policy 1 on the presumption in favour of sustainable development, Policy 2 on the settlement hierarchy, Policy 33 on design in residential development, and Policy 48 on the natural environment. In view of the listing of the building and its location within a conservation area, Policy 47 on heritage and design is of particular relevance, stating that planning permission will be granted where it can be demonstrated that all of the 4 criteria have been met and the Policy's Supporting Guidance followed. The first criterion concerns the conservation of the special interest of designated heritage assets.
5. Sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, and the Grade II* listing represents a small percentage of all listed buildings.
7. The subject of the planning permission and listed building consent is an outbuilding separated from but within the curtilage of the listed Westbourne House. The proposals involve variously the retention of windows as single glazed items (WG02, WG03 and WG04); the replacement of a 'crittall' style window (WG01) for which the style of frame has been approved, proposed to be slim-profile double glazed units; new windows (WG05 and WF01) proposed to be slim-profile double glazed units; and the contemporarily styled powder-coated steel-framed new window (DG03) to the former garage opening and inside a sliding solid door, which is proposed to be double-glazed, apparently with a wider gap.
8. It is noted first that the rooflights approved pursuant to Condition 4) are factory-fitted as double-glazed units, and second that slim-profile double glazed units have been approved previously to a rear extension to the principal listed building, Westbourne House. Neither of these features cause harm to the significance of the listed building, and although the previous rear extension is not seen from public places within the conservation area, the rooflights are visible.
9. With regard to the windows on the outbuilding, the most visible within the conservation area is WG04 and that is not to be changed, while the others would be at a distance whereby the presence of double-glazed units would not be discernible, if seen at all. It is the fact that the preservation of listed buildings does not rely on a public view, but the architecturally most sensitive

windows (WG02, WG03 and WG04 again) would not be double-glazed, while WG01 is of limited significance and would, along with WG05 and WF01 be new frames in any event.

10. The conclusion from the foregoing analysis is that the use of slim-profile double-glazed units would not cause harm, although allowing the use of the building and the upgrading of its thermal performance adds weight to the finding that the window details as submitted pursuant to Condition 3) are acceptable, preserve the significance of the Grade II* listed building and the character and appearance of the Westbourne Conservation Area.
11. As a result, the criteria in Policy 47 would be met as would the Supporting Guidance of conserving features and elements that contribute to the special interest of a heritage asset, including structures forming part of the curtilage, in particular the structural integrity and historic plan-form of listed buildings and historic building groups. The statutory tests in the 1990 Act and the requirements of the Framework would be followed, and for the reasons given above it is concluded that both appeals should succeed.

S J Papworth

INSPECTOR