
Appeal Decision

Site visit made on 17 December 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/H0724/W/19/3238154

8 The Front, Seaton Carew, Hartlepool TS25 1BS

- 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 Mr Amro Galal against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0140, dated 14 March 2019, was refused by notice dated 5 September 2019.
 - The development proposed is window and shop front replacement to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit I saw that the first-floor replacement windows have already been installed. The installed replacement windows do not reflect the details on drawing no 718:2. The Council's report and the appellant's statement refer to the windows as installed. I have considered these details in coming to my decision.
3. Drawing no 718:2 indicates that the shop front would be constructed in uPVC. The Council's report and the appellant's statement indicate that an amendment has been agreed whereby the existing timber shop front would be refurbished even though the door would be repositioned. I have had regard to this amendment in coming to my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Seaton Carew Conservation Area (CA).

Reasons

5. The CA comprises of a mix of residential, commercial and other uses. The appeal site is an end of terrace property, with ground floor restaurant use, occupying a prominent position on The Front within the CA.
6. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. In considering the significance of the CA, I have referred to the Seaton Carew Supplementary Planning Document 2015; the Seaton Carew Conservation Area Visual Assessment 2013; and the Seaton Carew Conservation Area Management Plan 2009. Part of the significance of the CA to the south of Station Road, where the character is more commercial, is derived from the prominence of bay windows particularly at upper level. Traditional timber sash windows positively influence the appearance of the street and generally add to the vertical emphasis of buildings.
8. The CA is currently identified as being 'at risk' on the Historic England at Risk Register 2018. It was first identified as being at risk in 2012 due, in part, to the accumulation of minor alterations to doors and windows; the increasing use of modern materials and the replacement of traditional shop fronts and signage.
9. The ground floor of the appeal property has a projecting flat roofed shop front. The first floor has two windows; a square bay and single vertically proportioned window opening. The three adjacent terraced properties are of similar form to the appeal property with differing fenestration detail reflecting their apparent residential use. Two of these properties have replacement uPVC windows, the third retains sliding sash timber windows.
10. The drawings of the existing elevations illustrate the previous window detail. I note that the previous windows were not original but were timber sliding sash windows with vertical glazing bars and mullions. The attic window retains a timber sliding sash window. From the evidence before me I consider that the appeal property with its previous window detail displayed characteristics that are reflective of the significance of the CA and thereby contributed to the CA's character and appearance.
11. At my site visit it was evident that the smooth, flat surface of the uPVC windows is not comparable with the grain and painted finish of wood. The proportions, flush design and flat profile does not accord with the subtle detailing of wooden windows and the loss of the mullions to the front of the bay reduces the window's vertical emphasis. The introduction of uPVC materials, with the drawbacks set out, has a negative effect on the CA's significance resulting in harm to the character of the building and the CA as a whole.
12. The appellant states that the first-floor windows were in poor condition, but there is no evidence before me to suggest that they were beyond repair. Even if this had been the case, it would not justify their total replacement with unsympathetic materials in a design that does not reflect the character of the building or the CA.
13. Whilst some of the windows facing The Front have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the CA's character and appearance.
14. The proposed shop front design would retain the existing pilasters and fascia. The appellant's statement advises that the timber shop front windows would be retained and refurbished although the position of the door would be relocated to the side of the elevation. I find that the relocation of the door,

whilst maintaining and refurbishing the timber shop front, would have a neutral effect on the character and appearance of the CA.

15. The CA is a designated heritage asset as defined in the National Planning Policy Framework (The Framework). In accordance with Paragraph 193 of the Framework the finding of harm to a designated heritage asset is a matter to which I must attach considerable importance and great weight. Given the scale of the proposed development, I quantify this harm as less than substantial. Where a development would lead to less than substantial harm, in accordance with Paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.
16. I note the appellants view that the refurbishment of the ground floor shopfront would offset the harm caused to the character and appearance of the CA by the installation of the uPVC windows at first floor. However, the changes to the shop front would have a neutral effect on the character and appearance of the CA to which I afford very limited public benefit. This very limited public benefit would not outweigh or justify the harm I have identified.
17. I therefore conclude that the development would harm the character and appearance of the CA and would conflict with Policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (adopted May 2018) which collectively seek development appropriate to the character of the area, that is sympathetic and /or complementary to the character and appearance of the CA and that prioritises the positive conservation and enhancement of heritage assets at risk. It would also conflict with paragraphs 193, 194 and 196 of the Framework which seek to conserve and enhance the historic environment.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Diane Cragg

INSPECTOR