The Planning Inspectorate

Appeal Decision

Site visit made on 12 February 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/H0724/C/19/3240723
10 Queen Street, The Headland, Hartlepool TS24 0PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Karen Ewen against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 22 October 2019.
- The breach of planning control as alleged in the notice is *Without planning permission, the installation of uPVC windows*.
- The requirements of the notice are to (1) Remove the existing uPVC windows; and (2) Restore the windows to their condition before the breach took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision

1. The appeal is dismissed and the enforcement notice upheld.

The appeal on ground (a)

2. 10 Queen Street is an end of terrace domestic property lying within the Hartlepool Headland Conservation Area. The appeal concerns the installation of uPVC windows to the north and west elevations, and the main issue for consideration is the effect of the windows on the character and appearance of the Conservation Area, and whether that character or appearance is preserved or enhanced by the development.

3. The Conservation Area is said by the Council to be 'at risk' and placed on the Historic England register as such. The Headland peninsular of Hartlepool forms the historic settlement of the town, extended to the west in the C19th, and derives its significance from its location as an early religious centre and at the heart of subsequent maritime development. The houses are principally of the Victorian era, with some grand villas and terraces on the sea-facing streets and generally diminishing in size further away. 10 Queen Street is a two-storey property with three windows, including a first-floor oriel window typical of the area, facing onto Moor Terrace and another (together with the door) onto Queen Street.

4. As the appellant points out, many windows in the area have been replaced with uPVC double glazing. I have not been supplied with detailed reasons about why this particular Conservation Area has been deemed to be at risk, but from my observations of the area it is clear that a number of damaging alterations have been made to domestic properties including by the installation of modern

window styles that are unsympathetic to their host properties and the area as a whole.

5. The windows that have been installed at the appeal site have attempted to reflect the proportions of the traditional window styles of the Conservation Area. However, they differ significantly in the materials used and consequently in the way the detailed profiling of the windows has been formed. Consequently the installed windows do not replicate traditional timber windows so closely as to be indiscernibly different. In particular, the thicker proportions of glazing bars, the flatness of the depth of glazing bars, and the thickness of the frames to the split top-hung lights result in architectural features that are unsympathetic to the original architecture of the house. The different material, in the form of the smooth and shiny uPVC, looks incongruous in the historic elevations of the property.

6. The consequence is to diminish the architectural integrity of the house. The house is not untypical of properties in the Conservation Area which demonstrates typical Victorian sash windows, oriel windows and fielded panel doors. Whilst the Conservation Area has been diminished by alterations to a number of properties including by the replacement of traditional windows with a more modern style, nevertheless that does not mean that the alterations under consideration have any less harmful an impact. Although 'at risk' and in a bad condition, the character and appearance of the Conservation Area are not beyond the point of no return, and local planning policies seek to preserve and enhance the asset. The Hartlepool Local Plan (2018) policy HE7: Heritage at Risk provides that 'at risk' assets are a priority for the Council, and development which will positively conserve and enhance these assets will be supported. Policy HE1: Heritage Assets provides that any development proposal affecting heritage assets will be required to preserve and/or enhance the special character of the asset. Policy HE3: Conservation Areas requires development proposals to demonstrate that they will conserve or positively enhance the character of such areas. The development that has taken place attracts no support from any of these policies, and conflicts with the development plan as a whole.

7. In the parlance of the National Planning Policy Framework, I find that 'less than substantial harm' has resulted to the significance of the Conservation Area from the installation of the uPVC windows at the appeal site. Any such harm should be weighed against the public benefits of the proposal. Here no public benefits are expressly claimed, but the appellant points out that the previous windows were inefficient, very cold, hard to maintain, attracted condensation and were draughty and rattled whenever traffic passed by. I accept that the new windows are likely to have improved the sound insulation and energy efficiency of the dwelling. However, as the Council's 'Advice on the Repair and Replacement of Windows' document points out, double glazed replacement of existing windows may not be as cost effective as other energy saving measures, and existing windows can be upgraded at a lower cost to bring these benefits whilst still retaining the original features and style which give character to a property. I do not consider that the benefits cited by the appellant could not have been achieved in some other less (or not) harmful way. Therefore I do not consider that the benefits of the development outweigh the 'less than substantial harm' caused by it.

8. The appellant makes a number of other points in support of the development, all of which I have considered, including her claim that the windows were installed more than four years ago. However, the appellant clarified her grounds of appeal to confirm that only ground (a) was pursued. The length of time for which the windows may have been in place is not a relevant consideration when considering the planning merits of the proposal under the appeal on ground (a) and therefore I give this no weight on this ground. None of the other points raised is sufficient to disturb my overall conclusions.

Conclusion

9. For the reasons given above I conclude that the character or appearance of the Conservation Area are not preserved or enhanced by the development, and therefore that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

10. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR