
Appeal Decision

Site visit made on 14 July 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/V1260/W/20/3248922

Hahnemann House, Hahnemann Road, Bournemouth, BH2 5JW

- 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 Dorset Healthcare University NHS against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-17555-I, dated 2 September 2019, was refused by notice dated 25 October 2019.
 - The development proposed is replacement windows to south elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, Bournemouth Borough Council ceased to exist and became part of a new Unitary Authority known as Bournemouth, Christchurch and Poole Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies of the Bournemouth Local Plan: Core Strategy (2012) (Core Strategy) and saved policies of the Bournemouth District Wide Local Plan (2002) (Local Plan).

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and whether it would preserve or enhance the West Cliff and Poole Hill Conservation Area (CA).

Reasons

4. The building retains much of its original architectural integrity and occupies a prominent location within a circular road layout or a circus. Even though there are mature trees at the edge of the site the elevations are highly visible. The appellants argue that there is a lack of cohesion to the windows on this south elevation however I disagree. Whilst some alterations have been made to the detail of windows including, in places, secondary glazing the apertures remain essentially unchanged with what appears, for the most part, to be window detailing original to the building. The sliding sash windows are prominent on the south elevation and make an important contribution to the character of the building not just from the circle but from wider views.

5. The Council state that the red brick building is a landmark structure which is architecturally detailed making a positive contribution to the CA. They cite features of note including timber sliding sash windows with horns, slate roof, decorative stone lintels, projecting stone courses, and dentil course. The location within the CA means that I have a statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in reaching my decision.
6. The proposal involves the replacement of the majority of windows and glazed doors on the southern elevation with painted timber top hung opening windows or paired glazed doors with single overhead top hung openings. The appellants argue that the proposal would provide a uniform aesthetic to the façade, whilst preserving the usability of the building into the future. The proposed details show that the new frames of the casements and sashes would be broader, glazing areas marginally smaller with no horns or glazing bars. Additionally, the change from sash to top hung would have more than a subtle difference to the appearance of the façade. The cumulative change would appear discordant, and out of keeping with the traditional detailing which is a feature of the building and which contributes much to its significance in the CA.
7. I have no doubt from the evidence before me that the existing windows require remedial treatment and in some cases wholesale replacement. There is no dispute with the Council in respect of replacement windows. It is the detailing of such replacement which is at issue.
8. Wholesale change to the openings in a landmark building such as this can have a profound impact on the appearance of a building. In this case the increased width of the joinery and the absence of original detailing all contribute to what would be a major change. The introduction of top hung casements would have an effect on the appearance of the building even though the appellants argue that the use of the building would mean that the extent that they would be allowed to open would be limited.
9. The proposed loss of the existing traditional timber windows and their replacement with top hung opening units would detract from the architectural qualities of the building which would unacceptably erode the positive contribution which the building makes to the character and appearance of the CA. This would lessen its significance leading to visual harm, even though that harm would, in the words of the National Planning Policy Framework (the Framework), be less than substantial.
10. For these reasons the proposal would be contrary to Saved Policy 4.4 of the Local Plan, Policies CS39 and CS41 of the Core Strategy and to the aims of the Framework. These seek, amongst other things, high quality design that conserves, respects and enhances the significance of heritage assets and protects local distinctiveness.

Other Matters

11. I have been provided with a health and safety assessment which outlines: that the nature of the single glazed windows are unsuitable for the use to which the building is put as a healthcare facility as patient safety is at risk; that the weight of the windows and the impaired sash mechanisms together with poor

¹ As referred to above Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act)

locking mechanisms are also regarded as unsuitable by the NHS. However, whilst the recommendation of that safety audit is that the windows are replaced it makes no comment as to any required specification of the replacements.

12. The appellants argue that the existing window details suggest they have been altered over time and that the existing sash windows are damaged, have minimal acoustic properties, poor thermal insulation and are difficult to operate due to size and weight. No matter what the NHS use the building for their universal requirement is that windows must be safety glazed with opening elements no greater than 100mm. They argue that if replacements are to match the existing windows the same maintenance issues would apply. If windows are simpler to maintain the landmark building would remain in a much better condition.
13. The appellants say they have investigated replacement sash windows though say that there is no feasible alternative to provide safe and functional windows in this environment and that a wider programme of future repairs will make good existing stonework and prevent deterioration. The appellants also suggest that the long-term lifespan of repairs to the existing windows could not be guaranteed and the windows would need addressing again within a short time period. Moreover, without adequate repairs they would not be able to sustain the building. They say top hung casements rather than sashes cause a sufficiently large budget differential to allow the appellants to replace the windows and ensure the future viability of this landmark building.
14. I am cognisant of the difficulties faced however there is nothing before me to demonstrate that replacing the windows in the manner proposed is the only alternative. Nor am I convinced that their replacement with a more suitable design which respects the character of the building and the CA would not also satisfactorily address the concerns identified or be a viable alternative. Similarly, there is very limited evidence to demonstrate the cost of a like for like replacement would be so prohibitive such that the cost benefit would outweigh the harm caused.

Planning Balance and Conclusion

15. Section 72 (1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a CA. Moreover, the Framework requires that when considering the impact of development on the significance of designated heritage assets, (in this case the West Cliff and Poole Hill CA) great weight should be given to the conservation of the heritage asset. For the reasons given above the appeal proposal would not achieve that aim.
16. Paragraph 196 of the Framework states that where less than substantial harm to the significance of a designated heritage asset would occur, that harm should be weighed against the public benefits² of the proposal. The appellant argues that this solution will enable the maintenance costs to be realistic, but I have insufficient evidence that the replacement of the windows with an architecturally appropriate alternative could not be achieved and the public benefit alluded to by the appellants is unsupported by evidence. Therefore, no

² Public benefits are defined in the Planning Practice Guidance² as “of a nature or scale to be of benefit to the public at large and should not just be a private benefit”.

justification exists for a decision other than in accordance with the development plan.

Conclusion

17. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR