



Appeal Decision

Site visit made on 11 January 2021 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2021

Appeal Ref: APP/V2004/W/20/3260568

Marlborough House, 113 Princes Avenue, Kingston Upon Hull HU5 3JL

- 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 Ryall Property Co Ltd against the decision of Kingston Upon Hull City Council.
 - The application Ref 20/00683/FULL, dated 18 June 2020, was refused by notice dated 10 September 2020.
 - The development proposed is retention of front door and sidelights.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I noted on my site visit that the development had been carried out. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with the appeal on that basis.

Main Issue

4. The effect of the development upon the character and appearance of the host building and surrounding area, and linked to that, whether the development preserves or enhances the character or appearance of the Avenues and Pearson Park Conservation Area (CA).

Reasons for the Recommendation

5. The appeal property is a two-storey mid-terrace located to the western side of Princes Avenue. It is set back from the highway, but the principal elevation is clearly visible due to the low and open railings to the front of the site. Princes Avenue contains a range of uses including both residential and commercial properties. Pearson Park is in close proximity to the appeal site and is situated to the north east.
6. The appeal site is located within the CA. Based on the evidence before me and my site visit observations, the CA is characterised by tree-lined residential streets, a small section of Princes Avenue and Pearson Park. Princes Avenue is

a wide, busy, tree-lined highway. The architectural styles of buildings vary and includes attractive Victorian and Edwardian terraces and large houses, smaller inter-war terraces and more modern flats. Whilst the style of properties varies, the dwellings all have a positive relationship with the street, being set behind modest front gardens. The architectural detail of the properties in the vicinity is integral to the character of the area, including the prominent bay windows and entrance features.

7. The appeal property has a porch to the front elevation which adds visual interest to the host property. The porch was designed to be symmetrical with No. 115 Princes Avenue (No. 115) and forms a continuous structure between the two properties. The porch originally had a wooden structure with a plain tiles roof, a door with 6 glazed panels and sidelights each featuring three glazed panels. The sidelights have been replaced on one side with a single glazing panel with a thick UPVC frame and on the other side an opaque panel with a letterbox and thick UPVC frame. The replacement door has two glazing panels also with a thick UPVC frame.
8. Framework paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
9. UPVC windows are evident within the area and within the terrace, including the appeal property. The appellant has provided photographs of Nos. 107-113 Princes Avenue which show that the appearance of the terrace has altered and new UPVC windows have replaced previously timber windows. However, I do not know the circumstances of that case¹ and the presence of harmful development elsewhere should not dictate that further UPVC windows are acceptable. Similarly, the fact that the scheme has been in situ for a number of years, without the Council issuing any formal enforcement notices, does not dictate that the scheme is acceptable. I am required to assess the proposal on its own planning merits and timber windows remain a common feature within the CA. Furthermore, traditional details, such as the original porch and timber windows, contribute positively to the CA.
10. Although the roof and some of the traditional glazing remain present, the configuration of the door and sidelights are a key part of the porch's design. As a result of the thickness of the frame the replacement door and sidelights do not align with the window section above. The new front door and sidelights do not reflect the design and detailing of those that they replaced and have a more modern appearance. This is due to the change in glazing arrangement, loss of the glazing bars within both the door and sidelights, thickness of the frame, opaque panel, along with the use of UPVC. The alterations also have a poor relationship with the adjoining porch of No. 115, which was designed to

¹ 16/00902/FULL

be symmetrical, and results in an unbalanced the appearance. I find that the scheme results in an unsympathetic and discordant feature which has a harmful impact upon the host building and CA because it does not resemble the original doors and sidelights.

11. The harm arising is less than substantial, given the presence of UPVC windows, the property is set back from the highway and some of the porch's traditional features remain. Nonetheless it is of considerable importance and weight, given the statutory duty to preserve or enhance the CA. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The appellant considers that the new door has improved the security for the occupants of the building because the previous door was in poor condition and therefore it was a target for anti-social behaviour. They assert that there have been no anti-social behaviour issues since the new doors and sidelights have been installed.
13. The benefits presented are to some extent anecdotal. Little evidence has been submitted to demonstrate that more sympathetic doors and sidelights would not achieve the same benefits. In any event, the benefits highlighted are primarily private matters. The public benefits are modest and do not justify or outweigh the harm to the CA that I have identified, as required by the Framework.
14. For the reasons given above, the scheme causes harm to the character and appearance of the host building and does not preserve or enhance the character or appearance of the CA. Consequently, the scheme conflicts with Policies 14 and 16 of the Hull Local Plan 2016 to 2032 (2017) as well as the Framework which seek, amongst other matters, to promote good design which protects the historic environment.

Other Considerations

15. The Council state that the scheme detracts from the setting of the Princes Avenue Conservation Area. No evidence has been submitted to show the location of this Conservation Area. However, in light of my findings on the main issue of the appeal, the decision does not turn on this matter.

Conclusion and Recommendation

16. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR