



Appeal Decision

Site Visit made on 12 August 2021

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Appeal Ref: APP/V2004/D/21/3273571

153 Marlborough Avenue, Princes Avenue, Hull HU5 3JU

- 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 Miss Laura-Mae Romano against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 20/00384/FULL, dated 25 March 2020, was refused by notice dated 26 March 2021.
 - The development proposed is installation of replacement timber windows at the front of the house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Article 4 direction is in place to restrict replacement windows. The application comprises a site plan, photographs and hand drawn window details with annotated dimensions in a Design and Access statement and the Council made its decision on that basis. The appeal includes correspondence between the appellant and the Council prior to the decision - including the possibility of omitting the front bay window details. However, it is evident that the Council made its decision on the application as submitted. At the time of my visit, the replacement upper floor windows were in place, but those proposed to be replaced in a ground floor bay window remained in-situ. I determine the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the significance of the Avenues & Pearson Park Conservation Area.

Reasons

4. The Avenues & Pearson Park Conservation Area is historically significant as part of the development of the residential suburbs of Hull and is characterised to the east of Princes Avenue by the setting of Pearson Park. To the west of Princes Avenue is the larger section consisting of 'the Avenues' where the appeal site is located. Within the Avenues, Marlborough Avenue, along with Westbourne Avenue, Park Avenue and Victoria Avenue, comprise a distinctive linear pattern of four long tree-lined streets running east to west from Princes Avenue. Marlborough Avenue is towards the edge of the Conservation Area close to the boundary to its southern extent.

5. The boulevard style setting of the Avenues typically consist of extensive rows of Victorian housing, interspersed by Edwardian and interwar buildings, with a resultant mix of terraces, detached and semi-detached properties. Based upon my observations, the special interest is derived from the original pattern of linear development with predominantly high-quality, well-built properties in a variety of architectural styles. Most groupings of buildings display an elevated architectural quality with a mix of uniformity or complementary detailing and materials. Other characteristic features include the sense of spaciousness provided by abundant street greenery along grass verges separating footpaths from the highway edge and the subsequent enclosure provided by buildings with relatively consistent building lines behind shallow front gardens/yards with low boundary treatments of varied styles.
6. The terraced row of which No 153 Marlborough Avenue (No 153) forms part, has a rhythm of taller Victorian properties immediately to the east with buff brick facades and two-storey flat roofed bays with distinctive white painted decorative stone lintels above windows and doors. Further visual interest is provided by the detailing of black painted fascia boards with a string course of contrasting brick below. Those properties and a similar row opposite, prior to a church across from the junction with Hardwick Street, retain a degree of uniformity which makes a positive contribution to the character of the Conservation Area. The harmony of the Victorian properties prevails despite variations in front boundary treatments and the loss of some original features, including the presence of uPVC replacement windows rather than timber sash, the inconsistent additions of storm doors and a variation in roofing materials.
7. In contrast, Nos 153 and 155 are later additions to the terrace with contrasting lowered eaves and ridge heights of roof with red brick facades and a different style of ground floor bay window and decorative timber canopy entrances. Whilst those features and the use of decorative stone lintels and black painted detailed fascia boards offer some visual interest it is evident that the properties lack the quality of architectural detailing of older Victorian properties nearby and therefore, should seek a discreet presence as part of the transition to the corner with Hardwick Street. This is not currently the case with the divergent appearance of Nos 153 and 155 worsened by significant erosion of their harmony over time. This includes at ground floor level where prior to the proposal before me the original stone lintel above the main front bay window of No 153 appears to have been replaced with a plainer alternative, together with the possible removal of an original central brick pillar. Both properties had also replaced original windows over time with unsympathetic modern style windows with top hung upper sections, with the incompatibility emphasised by further contrast between the use of dark stained timber framed windows at No 153 and white framed uPVC at No 155.
8. When having regard to the above, it is evident that No 153 both prior to the proposal before me and at the time of my visit, makes little contribution to the overall significance and special interest of the Conservation Area. Based on the evidence before me and my observations, the previous upper floor windows and the existing dark painted timber windows at No 153, when taken together with the presence of discordant uPVC windows at No 155, reflected a well-established negative impact on the character of the Conservation Area. The impact, however, is localised when viewed within the context of different property styles to the east, opposite and to the west along Marlborough Avenue. The proposal is necessarily assessed in those specific circumstances.

9. The proposal seeks to reinstate and replicate a more traditional and typical appearance of front sash windows visible elsewhere along Marlborough Avenue and in the wider Conservation Area. In that regard, the large modern front bay window remained in place at the time of my visit but would be replaced with a paired arrangement of mock sash windows with a dividing timber mullion, together with narrower side windows of a similar mock sash design. The upper floor windows have already been replaced with the mock sash design of windows proposed, comprising dark stained timber framed facsimiles with decorative sash horns that depart from the traditional sliding sash mechanism, window returns and frame proportions.
10. The Hull Residential Design Guide Supplementary Planning Document (SPD) indicates that in Conservation Areas, and other areas with strong architectural character, new windows may seek to replicate a traditional style. However, corrupted historic styles such as mock sashes are not acceptable in Conservation Areas. In that regard, whilst I accept the incongruity of the existing windows at ground floor level and those previously in place at first floor level, I do not find that the proposed replacement windows would be consistent with the traditional timber sash windows that make a positive contribution to the character and significance of the Conservation Area. Conversely, irrespective of any potential to overcome the stark contrast of the dark stained windows with the more traditional white painted timber frames elsewhere, the proposal would exacerbate the incongruent appearance of No 153. The use of bulky and inelegant replacement timber windows in terms of frame and glazing proportions would draw attention as incompatible features when viewed in the context of surrounding properties. The resultant failure to assimilate appropriately would detract from the character, appearance and significance of the Conservation Area.
11. In reaching the above view, I have taken into account that in principle there would be benefits of reinstating a vertical division of the front bay window to more closely match No 155. However, the proposed design in this case would not provide an appropriate solution as the proportions of the timber mullion and associated mock sash windows would fail to provide the necessary vertical emphasis that is otherwise a feature of nearby properties. In that respect, I note the examples of existing windows elsewhere that have been drawn to my attention of varying styles and appearance, including the presence of top opening designs and use of materials such as uPVC nearby. However, from my observations, most windows are of a character which complements that of their host buildings and those that are conspicuously different are in a minority. Furthermore, I do not have any information about the circumstances which led to the specific examples drawn to my attention and as such their presence does not lead me to consider that the appeal proposal is acceptable.
12. When taking account of all of the above, although I find that the impact of the proposal on the individual character of the appeal property overall would be largely neutral, in terms of replacing one incongruent feature for another – with limited benefits occurring through replacement of a previously broken upper floor window. I nevertheless find that the proposal would fail to preserve or enhance the character of the Conservation Area, with the localised effect resulting in less than substantial harm to the significance of the heritage asset.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) indicates that when considering the impact on the significance of designated

heritage assets, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be), irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the Framework requires that less than substantial harm be weighed against any public benefits.

14. The public benefits are a perceived improved appearance of the property as supported by comments from a local residents' association, the improved energy efficiency of proposed double-glazed windows, the design conforming to requirements for means of escape and some economic benefits arising from use of a local business. In that regard, I have already addressed matters relating to the effect on the appearance of the property, with the harm to the wider area not mitigated by the limited benefits of the improved condition of first floor windows. Furthermore, there is no evidence that means of escape could not otherwise be achieved other than by the window design proposed. There are limited public benefits in terms of energy efficiency of upgrading to double glazed windows and also to the economy through use of local business, but individually or together the public benefits are not sufficient to outweigh the great weight to be given to the less than substantial harm I have identified.
15. I conclude that the development would fail to preserve or enhance the character, appearance and significance of the Avenues & Pearson Park Conservation Area. The proposal, therefore, conflicts with Policies 14 and 16 of the Hull Local Plan 2016 - 2032, adopted November 2017, and the associated guidance in the SPD. When considered together the policies seek to ensure new development delivers a high-quality environment including the relationship with the character of surrounding built form, whilst seeking to preserve and enhance and thereby avoid harm to the significance of heritage assets. The policies are consistent with the Framework.

Other Matters

16. The appellant provided detail regarding how the Council handled the application. However, such matters are not related to the planning merits of the case. Furthermore, the absence of an objection does not indicate an absence of harm and therefore, cannot be relied upon to imply that the development is acceptable. Similarly, any support for a proposal may not have identified or considered specific harms. Consequently, such matters carry limited weight in my assessment of the proposal on its planning merits.

Conclusion

17. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the development plan as it would fail to preserve or enhance the character, appearance and significance of the Avenues & Pearson Park Conservation Area. The associated conflict with the development plan and the Framework are significant and overriding factors. The material considerations in this case as previously set out, do not indicate that the application should be determined otherwise than in accordance with the development plan.
18. For the reasons given above, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR