



Appeal Decision

Site visit made on 23 November 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/H0724/C/21/3281453

58 Grange Road, Hartlepool TS26 8JF

- 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 Mr Tariq Zia against an enforcement notice issued by Hartlepool Borough Council.
 - The enforcement notice was issued on 19 July 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the painting of the front elevation of the property.
 - The requirements of the notice are (i) Remove the paint from the front elevation of the property. (ii) Remove any debris associated with step (i).
 - The period for compliance with the requirements is three 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.
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Decision

1. The appeal is dismissed, the deemed planning permission is refused, and the enforcement notice is upheld.

Ground (a) and the deemed planning application

Main issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Grange Conservation Area.

Reasons

3. The Grange Conservation Area (CA) is a predominantly residential area located to the west of the town centre. Much of the area is characterised by larger Victorian properties in generous gardens, giving the area a spacious feel. Although the houses are not uniform in design, the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous appearance. A small row of commercial properties on Victoria Road links this residential area to the main town centre.
4. Immediately to the west of Victoria Road is Grange Road, a main thoroughfare into the town. In contrast to the more spacious plots to the south, Grange Road is characterised by tightly developed terraces of townhouses. On my visit, I saw that the road comprises a number of different styles of housing. The appeal site, No 58, is one of a row of very similar two storey townhouses with attic floors, built of pale brick with slate roofs. Their frontages are

characterised by prominent ground floor bay windows adjacent to arched front doorways. Other features include traditional window openings at first floor level, and half dormers at eaves level. Where they are not painted over, the decorative brickwork of the door surrounds and the cornicing are particularly striking.

5. The general uniformity of the facades creates a strong visual rhythm along this side of the street. Despite alterations, No 58 remains typical of the overall form and appearance of the neighbouring dwellings. It makes a positive contribution to the terrace and wider street scene, and in turn to the overall significance of the CA.
6. The brick frontage of the building has been painted grey, and the other details have been painted in a contrasting white. In his heritage statement, the appellant explains that the mortar of the brickwork was starting to crumble, letting water into the fabric. I note that, in his appeal statement, reference is also made to the need for a render system or some sort of waterproofing of the external face of the house. However, he decided to paint the elevation as a protective measure, on the advice of a builder.
7. The distinctive colouring of the grey paint work applied to the front elevation is at odds with the mellow buff brickwork that characterises the row. It serves to individualise the appeal site to the extent that it harms the generally uniform character of the terrace. Furthermore, the painting over the decorative detailing of the eaves and door surround in white detracts markedly from the original design intent, and further erodes the contribution of No 58 to the significance of the CA.
8. On my visit, I saw a small number of examples where brick fronts had been painted and/or pebble dashed, but these were the exception. From my observations, I therefore conclude that unpainted brickwork remains the predominant material in the locality. In support of his case, the appellant also refers to other instances of painted houses. However, this has not led me to a different conclusion on the merits of this particular appeal.
9. Taking these factors in combination, I conclude that the development unacceptably harms the character and appearance of the appeal site, and in turn, the significance of the wider CA. Accordingly, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight. In addition, the scheme fails to comply with Policy HE1 of the Hartlepool Local Plan, which seeks to preserve, protect and positively enhance all heritage assets.
10. Although serious, the harm in this case is less than substantial, within the meaning of the term in paragraph 199 of the National Planning Policy Framework (NPPF). Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
11. Whilst water ingress to the property is clearly of concern, I have little doubt that this matter could have been addressed in a less visually intrusive manner, for example, by repointing the areas of failed mortar. If the painting has

brought any benefits in terms of the upkeep of the fabric, these are private benefits, and therefore do not count in favour of the scheme.

12. The appellant says he was told by the Council that planning permission was not needed for any works to the front of the property, and on that basis, he went ahead with the work. Even if it is the case that the wrong advice was given, this circumstance does not justify the harm to the appeal building and the CA that I have identified.
13. In summation, I find that insufficient public benefits have been identified that would outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. The appeal on ground (a) therefore fails.

Conclusion

15. For the reasons above, the appeal is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR