



Appeal Decision

Site Visit made on 28 September 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D1590/W/21/3273638

PC House, 148-150, Hamlet Court Road, Westcliff on Sea, SS0 7LN

- 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 Mr Simon Rush against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01409/FUL, dated 27 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is replacement of windows to the first, second and third floors of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The windows are already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my decision.
3. Since the Council made their decision Hamlet Court Road was designated as a Conservation Area on 9 September 2021 and under Regulations 5 and 5A of the Planning (Listed Buildings and Conservation Area) Regulations 1990 the Council publicised the planning application as affecting the character or appearance of a Conservation Area on 11 November 2021.
4. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

5. The main issue is whether the development would preserve or enhance the character or appearance of the Hamlet Court Road Conservation Area.

Reasons

6. Hamlet Court Road is located in Westcliff-on-Sea and was developed as a retail hub with residential streets surrounding it. 148-150 Hamlet Court Road is an early twentieth century brick building of three storeys with two storeys to the rear.
7. The Hamlet Court Road Conservation Area Appraisal (CAA) notes that three storey buildings, such as the appeal site, were often built in groups with the same design and feature decorative elements. It notes that much of the

historic character of these buildings are intact despite later changes and that the restoration of features could enhance the appearance of the buildings and area as a whole. The appeal site still retains a number of those decorative features which contribute the character of the Conservation Area.

8. Paragraph 6.1 of the CAA sets out the Conservation Vision which seeks to provide opportunities to enhance its special historic and architectural interest. At paragraph 6.2.3 it states that the aim is for buildings to be in good condition, with inappropriate alterations reversed and traditional materials and details used for features such as windows.
9. The CAA also sets out that where original or historic timber windows remain these should be replaced like for like with timber frames if they have come to the end of their usable life. If existing windows have been replaced with uPVC then any replacement uPVC would need to be of the correct opening type for the building.
10. 148-150 Hamlet Court Road is noted as one of seven frontages which are designated as Frontages of Townscape Merit, which are those historic frontages which contribute to the quality of the local townscape through their architectural character. The CAA also notes that the building makes a positive contribution to the Conservation Area but needs significant improvement or restoration. The CAA notes that unsympathetic top hung uPVC windows have been installed.
11. The appeal proposal seeks to regularise the replacement of the existing sash windows with double glazed uPVC units. A building's fenestration is an important component in defining its visual and architectural character. The proposal results in the loss of the original windows which contributed to the significance of the Conservation Area.
12. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the other traditional windows which remain within the Conservation Area.
13. As a result, the replacement windows alter the appearance of the existing building and detract from the quality of the original detailing which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.
14. I have considered the other examples that have been drawn to my attention in Hamlet Court Road. However, the circumstances that lead to those windows being considered acceptable may not be directly comparable to the appeal site and having regard to the recent date of designation for the Conservation Area are likely to have taken place before this time. Furthermore, the examples within Hamlet Court Road add to my concern about the incremental harm which arises from the replacement of the original features. Therefore, I have not been able to come to the same conclusion with regard to the proposed uPVC windows subject to this appeal.

15. In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
16. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal and acoustic efficiency provided by double glazing, the condition of the existing windows and the prevalence of uPVC windows in the vicinity. They have also outlined a number of other improvements that have been made to the building as part of refurbishment works. However, I do not consider that these benefits are sufficient to outweigh the harm.
17. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Hamlet Court Road Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.
18. It would also be in conflict with policies DM1 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.

Other matters

19. There is also reference to the conduct and advice of the Council and its officers during the planning application process and the process for the designation of the Conservation Area. However, these are not matters for my deliberation in the context of a planning appeal.
20. I have noted the comments made that it was not the intention of the appellant to undertake works which required planning permission and that the works were undertaken when the site was not within a Conservation Area. However, I must have regard to the current policy position, including the designation of the Conservation Area in coming to my decision.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR