
Appeal Decision

Site visit made on 28 July 2022

by Susan Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 12TH August 2022

Appeal Ref: APP/A4710/D/22/3297424

1 Clare Street, Halifax HX1 2LF

- 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 Mark Spindley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/01227/HSE, dated 6 September 2021, was refused by notice dated 4 February 2022.
 - The development proposed is installation of new windows to match existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building and a conservation area (CA), I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Listed building consent¹ has also been refused by the Council but there is no appeal before me.
3. The description refers to windows only, however the submitted plans also indicate a replacement front door. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are whether the proposal would preserve the special architectural or historic interest of the Grade II listed building at the TA Drill Hall, Prescott Street (Ref: 1245575), and the extent to which it would preserve or enhance the character or appearance of the Halifax town centre conservation area.

Reasons

5. The Drill Hall dates from around 1868 and was originally built as the headquarters of the 4th West Yorkshire Volunteer Corps. It is constructed from stone under a slate roof in the Gothic Revival style, with a mix of timber sash and casement windows, many of which are set within Gothic arched openings. The principal elevation is on Prescott Street, with the former entrance under a decorated tympanum, elegantly framed by a stone arched porch. Above is a large circular window with octofoil tracery. The Clare Street elevation has a less dramatic appearance, but comprises a number of gabled wings containing

¹ 21/06288/LBC and 21/05114/LBC

arched windows with its quatrefoil tracery being features of note. The Drill Hall has been converted to residential units and a parking area.

6. The appeal building, 1 Clare Street (No. 1), is a two storey dwelling joined to the far end of the Clare Street elevation of the Drill Hall. The 1999 list description for the Drill Hall specifically refers to the appeal building: '*to the left a 2 storey block with through eaves gabled dormer window*'. It is constructed from the same materials as the Drill Hall which it adjoins, and other details such as the Gothic arched doorway, stone raised gables and mullioned windows echo the characteristics of the rest of the Drill Hall complex. Consequently, I find it highly likely that No.1 was built at the same time as the Drill Hall, and that it was directly associated with it for a lengthy period.
7. The special interest of the listed building lies primarily with its Gothic-inspired detailing which adorn all of its elevations, and the unity of design across the complex, which includes sympathetic later alterations and extensions. Such details set it apart from the simpler dwellings and commercial buildings which surround it. The former military use, and use of traditional and high quality materials further enhance its special interest. Its significance encompasses a wide range of heritage values; historic, aesthetic and communal.
8. It is proposed to replace the existing timber windows with top hung uPVC casement windows, with horn detail. Whilst the existing windows appear to be modern reproductions of more traditional sash windows, they are of appropriate style and materials which do not detract from the integrity of the building. Importantly, they are akin to those in the remainder of the former Drill Hall, all of which are timber. There is a uniformity to the windows which enables one to read the Drill Hall as a cohesive complex.
9. Notwithstanding the Appellant's assurances, whilst displaying some similarities, the uPVC casements would not be identical to the timber windows which they would replace. Historic England guidance² highlights that despite attempts at improving the design of plastic windows they are instantly recognisable because they cannot match the sections and proportions of historic joinery. The smooth and reflective materials, thickness of the frames and type of opening would fail to replicate the character of traditional timber windows. The inappropriate alterations would be evident both close up and from the street, particularly when viewed in the context of the Drill Hall complex as a whole. As such, the replacement windows would result in harm to the special interest of the building.
10. The Appellant also states that the replacement door would be identical in appearance, however the plans indicate that the existing black painted four-panelled and half glazed timber front door would be replaced with a uPVC six-panelled door. No further details are provided regarding colour or use of glazed panels, nor the treatment of the distinctive fixed arched window above the door. As such, I am unconvinced that the proposed uPVC door would replicate that which it is intended to replace. The proposed replacement door would not be an authentic alteration, and consequently would result in harm to the special historic and architectural interest of the building.
11. There is no CA appraisal in the evidence before me. From my site visit, I found the Halifax town centre CA as a whole to be reflective of the Victorian and

² HEAG039 'Traditional Windows' (2017)

Edwardian industrial, commercial and civic heritage of the town, substantially built from natural stone under slate roofs and framed by the hills nearby. I found the area of the CA around Clare Street to be a quiet location with a transient character of primarily residential uses amongst randomly located commercial buildings. It is distinct from the busier area of primarily commercial uses further to the north. Clare Street is a relatively narrow cobbled dead-end street, differing from the wider neighbouring through-roads. It is suggestive of being a service or back street to the rear of the grander villas which front Clare Road.

12. The significance of the CA, insofar as it relates to this appeal, relates to the nature of Clare Street as a service street dominated by the presence of the Drill Hall which, including No.1, positively contributes to both its character and appearance. The use of non-traditional window units and door would represent a discordant addition to the Drill Hall complex, having a wider negative impact and thus failing to preserve or enhance the CA as a whole.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. In this case, the listed building would remain largely intact and I find the harm to the designated heritage assets to be less than substantial. Nonetheless the proposed alterations to the appearance of the listed building form a matter of considerable importance and weight.
14. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge that improvement of housing stock to improve the health and quality of life of the occupants, creation of a more energy efficient home, and contribution to the local economy would represent public benefits. However due to the scale of the proposals they would have limited effect and are clearly insufficient to offset the harm I have identified. Furthermore I did not find the site to be unkempt, nor was there any obvious indication that the windows and door are unfit for purpose. Similar benefits could be achieved via appropriate repair and maintenance of the existing windows or by appropriate timber replacements.
15. The appellant has suggested that the proposal would not result in harm because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not wider public views of the building can be gained. I also acknowledge that there are a number of properties nearby, also within the CA, which have uPVC replacement windows. However there is no information before me regarding their lawfulness. Furthermore, I have not been provided with any information as to what the Article 4 Direction covers, the reasons for the Direction, or when it was imposed. Regardless of its status, it does not override my duties under sections 66(1) and 72(1) of the Act. Overall, the nearby examples of inappropriate uPVC windows do not justify the harm that would be caused to designated heritage assets in this particular case.

16. I conclude that the works fail to preserve the special architectural and historic interest of the Grade II listed building and the wider character and appearance of the Halifax town centre CA, to which I am required to pay special attention to by the Act. It follows that the works fail to comply with national policy outlined in section 16 of the Framework, together with policies BE14, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan (2006). These policies seek for proposals to preserve the architectural and historic character and appearance of listed buildings and their settings, and to respect the individual details of the building including materials which contribute to townscape setting.

Conclusion

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

Susan Hunt

INSPECTOR