



Appeal Decision

Site visit made on 22 August 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26th August 2022

Appeal Ref: APP/H0724/W/22/3297606

Sea View, 11 The Green, Seaton Carew, Hartlepool TS25 1AS

- 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 John Kerridge against the decision of Hartlepool Borough Council.
 - The application Ref: H/2021/0552, dated 7 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property forms part of a Grade II listed building. An associated application for listed building consent for the replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts was submitted to and refused by the Council¹. The appellant was asked whether they intended to submit an appeal against the Council's refusal to grant listed building consent for the proposed works. No response was received and at the time of this decision no associated listed building consent appeal had been submitted to the Planning Inspectorate. I have therefore proceeded to determine the appeal against the refusal to grant planning permission for the proposed development.
3. In the context of the above and given the appeal site's location within the Seaton Conservation Area (the SCA), in determining the appeal I have had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposed development would i) preserve the Grade II listed building, 11-13 The Green, or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the SCA.

¹ 1. H/2021/0387 – Listed Building Consent - Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts. Refused 10/12/2021.

Reasons

Special interest and significance

5. The appeal property, which is currently in use as a guest house, forms part of the Grade II listed building known as 11-13 The Green, (the building)². It occupies a highly prominent position on the western side of the Green, set back from and facing Seaton Carew seafront. The building comprises a short terrace of three, three-storey properties which date from circa 1800. They possess stucco frontages and Welsh slate roofs. The fenestration on their front elevations mostly comprises single-glazed, multi-pane, painted timber, vertical sliding-sash windows.
6. Pertinent to the appeal, the 10no. windows on the front elevation of the appeal property which are proposed to be altered comprise a mix of six-over-six and four-over-four single-glazed, painted timber, vertical sliding-sash units. These windows are stated to date from 2004, with their installation being assisted by a Heritage Economic Regeneration Scheme grant, a condition of which was that 'they shall be retained and maintained to the same standard as specified by the grant offer letter, using the same materials as appropriate'³.
7. From the evidence before me, I find that the building's special interest and significance are mainly derived from its historic and architectural interests, as a short terrace of notable 19th century domestic townhouses within the seaside resort of Seaton Carew. Important contributors in these respects are its age; surviving historic fabric; traditional construction and materials; and polite architectural form and design. Its special interest and significance also stem, in part, from its group value with other nearby listed buildings.
8. In relation to the appeal, whilst the windows on the front elevation of the appeal property are not historic, they are of classic sliding-sash form, proportions and detail, as well as being constructed of traditional materials. As such, they are important features of the building which positively contribute to its character, appearance and thus its heritage merit.
9. The appeal property is also located within the SCA, which is categorised as being 'at risk'⁴, due, in part, to the accumulation of minor alterations to doors and windows, and the increasing use of modern materials. The SCA is essentially linear in form, encompassing buildings and spaces adjacent to Seaton Carew's seafront. The special interest and significance of the SCA mainly stem from the variety and architectural richness of its historic buildings that denote its evolution, all set within a coastal landscape. By virtue of its historic and architectural integrity, 11-13 The Green adds considerably to Seaton Carew's historic and aesthetic charm. In doing so, it positively contributes to the character and appearance of the SCA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposed development and effects

10. The proposed development comprises the removal of the existing single-glazed, painted timber, vertical sliding-sash inserts to 10no windows across the

² List Entry Number: 1263079.

³ HLCB/2003/0886 - Listed Building Consent for the provision of new sash windows to front of property. Granted 29 January 2004. Heritage Economic Regeneration Scheme Grant received for these works in 2004.

⁴ Register compiled by Historic England.

front elevation of the appeal property, and their replacement with double-glazed, uPVC, vertical sliding-sash inserts. The existing timber frames would be retained.

11. I acknowledge that the proposed development would not involve the loss or alteration of historic fabric. Additionally, from the submitted images and my observations on site, it is evident that some components of the existing timber sashes are deteriorating. Nevertheless, no detailed condition survey of the windows has been submitted. Consequently, I cannot be certain that the existing timber sashes could not be repaired and refurbished by an experienced tradesperson, which may address some of the issues raised by the appellant.
12. Even if I accepted the principle of replacing the existing timber sashes, having regard to the very limited information provided on the detail of the proposed inserts, I have a number of significant concerns. Four windows incorporating eight proposed inserts would not replicate the glazing pattern of the existing units⁵. Moreover, I am unable to determine if the double-glazed form of the proposed inserts would effectively replicate the fine joinery detail of the existing timber sashes. Nor can I be certain that they would be practically compatible in dimensions and material with the existing timber frames. Additionally, the proposed base material of uPVC is a synthetic fabric whose smooth, shiny, modern appearance would not satisfactorily capture the character of the painted timber finish that currently exists.
13. In all of the above respects, the proposed inserts would appear discordant and out of keeping with the traditional character of the building. They would considerably erode the architectural integrity of 11-13 The Green and detrimentally undermine its heritage merit. As such, the proposal would not conserve the listed building in a manner appropriate to its significance.
14. Taking into account the building's importance and prominence within the townscape of Seaton Carew, along with the sensitivity of the area to inappropriate alterations, it follows that the identified negative effects to the listed building would also harm the positive qualities of the SCA as a whole. In these regards the proposed development would materially and incrementally diminish the character and appearance of the SCA and thus its significance as a designated heritage asset, negatively reinforcing the SCA's 'at risk' status.
15. Drawing the above together, the proposed development would not sustain or enhance, but rather cause harm to, the special interest and significance of these designated heritage assets.

Public benefits and balance

16. Paragraph 199 of the Framework advises that when considering the impact of a proposed 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 alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the proposed development, I find the

⁵ Drawing Front Elevation Including Window Details - Detail E and Detail F.

harm to the listed building and the SCA to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.

18. There would be some economic benefits brought about through the manufacture and installation phase of the proposed inserts along with the general investment into the property. Additionally, environmental benefits would possibly be gained through an enhancement of the property's thermal efficiency and a consequent reduction in its carbon footprint. The proposal would also potentially better the guest house's internal environment and the comfort of its visitors, as well as reduce maintenance and heating costs.
19. A few of these outcomes would be of solely private benefit to the appellant. Nonetheless, some of them would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The sum of the benefits is considerably moderated by the scale of the proposed development, but still carry weight in favour of the appeal.
20. However, whilst I have given careful consideration to the appellant's comments concerning the severity of the issues caused by the existing windows and the practical problems of secondary glazing as an alternative option, I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets. Furthermore, no compelling evidence is before me which confirms that the optimum viable use of the building as a guest house would be at risk if the existing timber inserts were not replaced as proposed. In these respects, the identified harm to the significance of the listed building and the SCA has not been clearly and convincingly justified.
21. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed development, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
22. Accordingly, I conclude that the proposed development would fail to preserve the Grade II listed building, 11-13 The Green, or any features of special architectural or historic interest which it possesses; and would not preserve or enhance the character or appearance of the SCA. As such, it would fail to satisfy the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
23. It would also conflict with Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan, adopted May 2018. Amongst other things, these policies seek to preserve, protect and positively enhance all heritage assets; conserve or enhance the distinctive character of the Borough's Conservation Areas; conserve or enhance listed buildings; and retain, protect and enhance heritage assets classified as 'at risk'.

Other Matters

24. In support of the appeal, the appellant cites the general presence of uPVC windows in commercial and residential buildings in the surrounding area.

Specific reference is also made to the uPVC windows in the adjoining Seaton Hall Nursing Home which the SCA map confirms is a listed building.

25. When on site I observed the existence of uPVC units in both commercial and residential properties in the locale. However, from the limited information before me, with the exception of Seaton Hall Nursing Home, none of them appear to be listed as being of special architectural or historic interest. As such, they are not subject to the same stringent requirements of the Act as the appeal property.
26. I acknowledge the presence of uPVC windows within the ground floor on the front elevation of Seaton Hall Nursing Home. Nevertheless, the specific details and circumstances of this alteration, along with any grants of planning permission and/or listed building consent, if obtained, have not been provided. On this basis, I am unable to draw any meaningful comparisons with the appeal proposal. This reduces the weight I can attach to this matter in support of the appeal.
27. In any event, the presence of uPVC windows in other buildings nearby, listed or unlisted, is not, in itself, a reason to allow unacceptable development. I have determined the appeal before me on its own planning and conservation merits and found that it would cause harm which would not be sufficiently outweighed by the public benefits that the proposal would generate.
28. I am aware of the representation made by an interested party which raises no objection to the proposed development. However, this is a neutral consideration in the balance and weighs neither for nor against the appeal.
29. I note the appellant's view that it is 'very unfair' of the Council to have refused the application. However, of itself, this is not within the remit of my considerations in the context of an appeal under section 78 of the Town and Country Planning Act 1990.

Conclusion

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

F Cullen

INSPECTOR