



Appeal Decisions

Site visit made on 23 August 2022

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal A Ref: APP/B1415/W/21/3273430

24-25 High Street, Hastings TN34 3EY

- 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 C Evans of Melisande Properties Limited against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00576, dated 3 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is a residential dwelling formed by Material Change of Use (A1 to C3).
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Appeal B Ref: APP/B1415/Y/21/3273433

24-25 High Street, Hastings TN34 3EY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr C Evans of Melisande Properties Limited against the decision of Hastings Borough Council.
 - The application Ref HS/LB/20/00577, dated 3 August 2020, was refused by notice dated 30 October 2020.
 - The works proposed are a residential dwelling formed by Material Change of Use (A1 to C3).
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Decisions

1. Both appeals are dismissed.

Preliminary Matter

2. The two appeals concern the same scheme under different, complimentary legislation. I have dealt with both schemes together in my reasoning.
3. The Appellant submitted an amended plan with the appeal removing the fan lights in the main windows and retaining only those above the external doorways. However, this would affect both the appearance of the building and the living conditions of future occupants. I consider this would amount to more than a minor amendment to the proposal which requires formal consultation with others. I have therefore determined the appeal on the basis of the plans referred to on the Council's decision notice.

Main Issues

4. The main issues are:
 - a) In relation to both appeals: whether the proposed works and development would preserve the Grade II listed building or any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the Old Town Conservation Area.

- b) In relation to Appeal A: firstly, whether the proposed conversion would provide adequate living conditions for future occupants, having particular regard to outlook, light and privacy and secondly, the effect of the proposed change of use on the business and leisure economy of the Old Town Cultural Quarter.

Reasons

Appeals A and B: Effects on designated heritage assets

Significance

5. No 24-25 High Street is a Grade II listed building and is one of the few properties in the street that dates from the mid-19th century. It is three storeys with bay windows set into a rendered wall at first and second floor levels. The roof is hidden behind a parapet wall. The most distinctive features are at the ground floor where there are two good-sized bay windows serving the existing shop front with a dentilled cornice above. The corncicing and the painted strip where the shop would have advertised its presence and purpose are particularly prominent features of the front elevation. Solid modern doors to the left-hand and right-hand sides of the building appear to provide access to residential uses on the upper floors. A modern door between the two bay windows provides access to the shop.
6. Although the ground floor bay windows appear to be of almost identical size, they have some small but interesting differences. The window to the left of the shop entrance door has detailing at the top and bottom of both sides of the outer frame where it joins the building's front elevation. These features are not present on the mullions that separate the side panels from the front pane of glass. The transom on this window only divides the front pane. There are no transoms on the side panels. By contrast the bay window to the right of the shop's front door does not have decorative features on any of its frame. Its transoms also divide the side panels. Both transoms and mullions on this bay are a little narrower than those on the other window.
7. The transoms of the two bays are not perfectly aligned so that the top section of the window to the left of the entrance is slightly larger than that of the window to the right. The other significant difference is that the bay window to the right of the entrance is obscurely glazed, whereas the one to the left has clear glass. These differences, which are not apparent from the submitted plans, suggest to me that both windows have been subjected to repair and alteration over the decades since their first installation. Furthermore, there was no definitive evidence to suggest that the glazing is original even if the frames, or parts of them, are over 100 years old.
8. There are no features of historic interest inside the part of the building to which the appeal relates. All that remains are some modern internal partitions, extensive empty shelving on the ground and first floors and other internal facilities required to run a pharmacy. The pharmacy ceased operating in 2019, since when the building has been vacant.
9. The significance of the building therefore derives primarily from its unique shop front bay windows and the corncicing immediately above them. The bay windows serving the first and second floors, which are typical of properties of the period, also contribute to the significance of the building as a whole.

10. The property lies within the Old Town Conservation Area (Old Town CA). The street plan and burgage plots along the High Street are indicative of the medieval origins of this part of Hastings as one of the original Cinque Ports. The High Street is characterised by an eclectic mix of properties, including numerous listed buildings, some of which date back to medieval time. The urban grain of the original town was disrupted in the 20th century with the construction of The Bourne. Nevertheless, the buildings, street pattern and twittens of the Old Town provide the area with its very distinctive character and significance, which includes a wealth of variety of architectural styles and quality, historic interest and charm.

Assessment

11. In order to facilitate the conversion of No 24-25 to residential accommodation it would be necessary to provide ventilation and fresh air into the ground floor rooms that would be served by the bay windows. The scheme proposes fanlights that would open inwards. However, details showing how this could be achieved whilst also installing double glazing are not particularly precise. Neither do the submitted plans provide details of how the existing frames would be retained, amended or replaced.
12. It seems that the introduction of opening sections would result in the loss of the very slender transoms that are one of the defining characteristics of the existing windows. These are currently just 39mm and 44mm deep. The combined depth of the hardwood cill and the window frame would be of the order of 110mm and the header would be some 60mm deep. This may in part be due to the intention to provide 11mm slim-lite double glazing. However, from the evidence presented it was not possible to make direct and detailed comparisons between the existing and proposed windows in their entirety. I therefore cannot be certain that the proposal would preserve the appearance of the front elevation. Given the sensitivity and importance of the windows to the significance of the building, this is not a matter that could be addressed by the imposition of a condition.
13. On my site visit I saw that there are inward opening fanlights in some other properties. These windows have glazing bars that are much larger than the current ones at No 24-25. To introduce similar fanlights would significantly alter the delicate appearance of the appeal property's windows to the detriment of this Grade II building's historic and architectural interest.
14. The front elevation of No 24-25 contributes in a unique way to the variety of features that can be seen along the High Street. It therefore has a positive effect on the character and appearance of the Old Town CA. The increased bulk of the windows arising from the insertion of fanlights would not only be harmful to the building, but would also diminish its contribution to the significance of the Old Town CA, which would not be preserved.
15. In terms of the National Planning Policy Framework (the Framework) the harm I have identified would be less than substantial. However, it still amounts to a significant objection. In accordance with paragraph 202 of the Framework It is therefore necessary for me to weigh this harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. However, before doing so it is appropriate for me to consider the other main issues that relate to Appeal A.

Appeal A:

Living conditions

16. The proposal seeks a change of use to provide a two bedroom dwelling. In order to provide adequate ventilation of the property it would be necessary to amend the front bay windows. For the reasons set out earlier, I was not satisfied that the proposal has demonstrated how this could be achieved without harm to the fabric of this Grade II listed building.
17. The front windows which are immediately adjacent to the footway would be the only means of providing light and outlook from the living room and the ground floor bedroom of the proposed dwelling. This would be particularly problematic in relation to the bedroom where it seems likely that it would be necessary to make use of blinds or curtains to give privacy which would significantly reduce the outlook and make the room gloomy. The retention of the existing obscure glazing, or an equivalent replacement, would not provide a satisfactory solution. In addition, the division proposed between the front and rear sections of this part of the property would also mean that the kitchen would have no natural light or outlook at all. This combination of factors would result in poor living conditions for future occupants.
18. From what I saw elsewhere in the street there are living rooms in existing dwellings which have windows looking directly out on the footway. These windows were not totally covered by curtains or shutters and these rooms appeared to receive light and have a reasonable outlook. I consider the use of blinds, which are not permanent, would allow light to penetrate while offering some outlook and limiting inward views. They would therefore be an appropriate means of providing adequate privacy for a living room.
19. The proposal would provide adequate internal space, reasonable outlook and light for the living room. Notwithstanding these positive aspects of the scheme, I conclude that the proposal would fail to provide satisfactory living conditions for future occupants, arising from lack of ventilation for the ground floor and inadequate, outlook, light and privacy for the bedroom. The scheme would therefore be contrary to Policy DM3 of the Hastings Local Plan: Development Management Plan 2015 (DMP) which requires dwellings to achieve of good living standard for future users enabling residents to live comfortably.

Change of use

20. Nos 24-25 lies just 15m outside the Old Town Shopping Area, as defined in the development plan. It operated as a pharmacy for many years, adjacent to the Roebuck House Doctors Surgery. Its closure came about when the doctors' surgery relocated elsewhere and the associated trade was lost. Roebuck House was subsequently converted into 9 flats. Policy SA3 of the DMP permits the loss of a local shop where there are alternatives within reasonable walking distance, which there are in this case.
21. The site also lies within the Old Town and The Stade Cultural Quarter. Policy CQ1 of the DMP states that proposals will be viewed in terms of their contribution to the mix and diversity of uses and their potential to enhance their attraction to visitors. In this context the loss of the retail unit to residential use could potentially prevent the building being used for some other commercial activity.

22. However, neither Policy SA3 nor Policy CQ1 require a change of use to be supported by evidence of marketing or a failure to secure any interest in the building for an alternative commercial use. From what I observed most of the properties to the north of Roebuck Street are in residential use. The only exceptions appeared to be a florist, a cafe and a public house. There are properties with features that indicated they were previously in commercial/retail use. However, these features have not been lost but have been adapted to permit the conversion of the buildings to dwellings. Those that have been converted have benefited from investment in the fabric of the building and consequently the street is attractive with a high-quality pedestrian environment. Walking around the area and viewing the historic buildings, with their variety of styles and unique features, could therefore contribute to the cultural experience of visitors to the area.
23. I therefore conclude that the proposed change of use would not be unduly harmful to the business or leisure economy of the Old Town Cultural Quarter. There would therefore be no conflict with the aims of Policy CQ1 of the DMP.

Heritage balance

24. Any harm to the significance of a designated heritage asset requires clear and convincing justification. There is nothing before me to demonstrate that the existing use is not the optimum viable use, even though provision of an additional dwelling could amount to a public benefit. However, as the appeal proposal would fail to provide satisfactory living conditions for future occupiers no such benefit would arise from this scheme. Although I have not found the proposal would unduly harm the economy of the Old Town Cultural Quarter, this is a neutral factor in the balance. There are therefore no public benefits to weigh against the harm I have identified to the significance of the listed building and the conservation area.
25. Consequently, the development and works would fail to preserve the special architectural interest of No 24-25, a Grade II listed building, and the character and appearance of the Old Town CA. This would be contrary to the Planning (Listed Building and Conservation Areas) Act 1990, which requires me to have special regard and pay special attention to these designated heritage assets. The proposal would fail to comply with paragraph 199 of the Framework which states that great weight should be given to conserving the significance of designated heritage assets. It would also conflict with Policy HN1 of the DMP, which requires proposals to sustain and enhance the significance of heritage assets. Furthermore, it would offend Policy HN2 of the DMP, which requires changes to windows to maintain the form and appearance of the original.

Conclusion

26. For the reasons set out above, the proposal would be unacceptable. In respect of Appeal A I have also found conflict with the development plan arising from the failure of the scheme to provide satisfactory living conditions for future occupants. Consequently, I conclude both appeals should be dismissed.

S M Holden
INSPECTOR