



Appeal Decision

Site visit made on 29 November 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/A4520/Y/22/3305628

Hill House, 55 Front Street, Whitburn, Sunderland SR6 7JD

- 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 Dale Harrison against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0724/21/LBC, dated 25 June 2021, was refused by notice dated 20 April 2022.
 - The works proposed are described as 'Remove the roof and all windows from the existing conservatory located at the rear of the property. New roof and windows to conservatory. Furthermore the ground floor kitchen window will be replaced together with the existing bathroom window'.
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Decision

1. The appeal is allowed insofar as it relates to the following: 'the ground floor kitchen window will be replaced together with the existing bathroom window.'
2. Listed building consent is granted for the above works at Hill House, 55 Front Street, Whitburn, Sunderland SR6 7JD in accordance with the terms of the application, Ref ST/0724/21/LBC, dated 25 June 2021, and the plans submitted with it, so far as relevant to those parts of the works hereby consented, and subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
 - 2) The works authorised by this consent shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Plans Drg No. 002; Proposed Plans Drg No 003 Rev 1, except in respect of the proposed conservatory shown on Proposed Plans Drg No 003 Rev 1.
 - 3) Notwithstanding the submitted details, no works shall take place until details of the design of the new kitchen window and new bathroom window including drawings at scale 1:10 and joinery cross sections at scale 1:1 have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
3. The appeal is dismissed insofar as it relates to: 'Remove the roof and all windows from the existing conservatory located at the rear of the property. New roof and windows to conservatory.'

Preliminary Matters

4. The description of the proposed works varies between the application form and the subsequent documents. I have used the description given on the appeal form as it expresses the proposal more clearly and concisely.

Main Issue

5. The main issue is the effect of the proposed works on the character or appearance of the grade II listed building.

Reasons

Significance

6. The appeal site at No 55 is a two-storey house dating from the early to mid-19th century. It is rendered with a Welsh slate roof. Wooden brackets are found at eaves level, and a stone gable coping rests on curved kneelers. There are also two corniced end stone chimneys. The Classically styled front elevation includes regularly spaced timber windows, with the front door set to the side. The distinctive doorcase is Ionic, with pulvinated frieze and pediment.
7. At the rear is a smaller gabled offshoot that backs onto the existing conservatory. Adjacent to this is a larger gabled rear extension which has a mid-20th century flat roofed extension set to the side.
8. The Heritage Assessment (HA) finds that to the side and rear of the property, the architectural interest is lost. It states that the elevational treatment of the larger extension is entirely at odds with the high status appearance of the frontage. It goes on to say that the flat roof addition to the side, the cement rendering of the building and the poor fenestration erode any sense of architectural quality.
9. It is difficult to be certain, but the smaller gabled rear extension appears to have been in place by the time of the 1896 Ordnance Survey map. The smaller dimensions of this element in comparison to the main body of the house would certainly point to a 19th century date, indicating that the fabric at least may be historic interest.
10. Also on the 1896 plan, a long, narrow rear extension appears. By the time of the 1946 Ordnance Survey plan, the single storey side extension has been added, and the rest of the rear infilled. From the mapping, it is therefore reasonable to assume that the larger two storey rear extension, in its current form, was completed between those two dates.
11. In terms of architectural treatment, the rear elements are plainer and less formal, reflecting the fact they fulfil a private rather than a public function. However, both retain the pitched roofs and gable ends that keep in with the traditional form of the main house. The larger extension also has a well-proportioned end chimney with a finely detailed cornice. I agree that the rendering detracts from the appearance particularly of the larger rear extension. However, the appearance of the chimney in particular suggests that this extension was of some quality when it was built.
12. The rear parts of the building are of lesser status and significance than the front, but on the evidence before me, they clearly make at least a modest

contribution to the historic and architectural character of the listed building. Although the rear elevations are not readily visible from public vantage points, this does not diminish their intrinsic contribution.

13. No 55 is an attractive example of a polite townhouse of its period, the main body of which appears to be relatively unaltered since it was built. As a result, its original form, dimensions and appearance remain largely apparent. The historic changes at the back speak to the social and architectural evolution of the building over time. These factors all contribute to the significance of the listed building.
14. Dating from 1996, the existing conservatory comprises painted timber framing with a glazed roof. It is set on a dwarf brick wall, and projects slightly beyond the adjacent gable end. As a late 20th century addition, the conservatory does not contribute to the historic significance of the listed building. Architecturally, it is unremarkable, but at the same time, it is an unobtrusive addition due to its simple style and use of painted timber.

The proposed new conservatory

15. Although the dwarf brick wall will be retained, it is proposed to replace the rest of the existing conservatory. The proposed new structure would have a flat roof incorporating a lantern. The Council find the flat roof form to be acceptable in principle on the grounds that it will help with access to the back of the main building for maintenance purposes.
16. However, the new conservatory frame, the rainwater goods and the fascia to the side elevation would be constructed of green wood grained uPVC. Although the existing conservatory is not of interest in itself, its timber construction is sympathetic to the age and style of the building.
17. By contrast, uPVC is a synthetic material whose modern appearance would not satisfactorily capture the character of the traditional painted timber finish which is typical of the listed building. As a result, the development would appear discordant, and out of keeping with its historic context.
18. Furthermore, the proposed wood grain finish would not be an acceptable replacement material for the existing timber. Rather, it would draw attention to the new framing, as wood grain would rarely show through in historic painted joinery. Instead, this finish would appear incongruous, and would fail to replicate the appearance of a traditional painted finish.
19. The appellant argues that uPVC is an appropriate material given the 20th century date of the larger rear extension. However, whilst uPVC was invented in the first half of the 20th century, it did not come into regular domestic use until many decades later. There is no evidence that it was used in the 20th century elements at No 55. I am therefore unable to agree that it is an appropriate material for this particular building. Whilst the appellant takes issue with the Council's suggestion of using metal framing, I note that metal fenestration has been in use in historic buildings since medieval times onwards.
20. The appellant emphasises the fact that the proposal is in a secluded position at the back of the building. Whilst that is the case, this factor has little bearing on my consideration. This is because listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of them can be gained.

21. Drawing these factors together, I find that the proposed conservatory would fail to preserve the significance of No 55.
22. Accordingly, in view of the harm I have identified to the listed building, the proposed works conflict 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, and with the National Planning Policy Framework (NPPF). In addition, the appeal scheme conflicts with Policy DM6 of the South Tyneside Local Development Framework – Development Management Policies (DMP), which seeks to protect heritage assets including listed buildings.
23. Although serious, the harm to the heritage asset in this case is less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the works.
24. The existing structure is old, inadequate and showing signs of decay in numerous places, resulting in failed paintwork, decaying timber and consequently water ingress and damage to the property. Whilst there is clearly a benefit to the occupants in addressing these matters, this would be a private benefit that would not count in favour of the appeal scheme.
25. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, 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.
26. With regard to appeal decision ref: APP/D3830/E/11/2162609, the inspector allowed the replacement of an aluminium conservatory with uPVC, on the grounds that the significance of the listed building would be preserved. However, as set out above, I have found that the proposed uPVC conservatory would have a more detrimental effect on the listed building than the existing one, and so the proposal would not meet the statutory test of preservation.

The proposed new windows

27. The scheme includes the proposed replacement of the ground floor rear kitchen window and the first floor bathroom window that overlooks the conservatory. It is proposed to use timber for these new windows. The Council raise no objection in principle to these works, but are concerned that the submitted drawings were not drawn to a recognisable scale.
28. From the evidence before me, I am satisfied that these elements of the appeal scheme would have a neutral effect on the character and appearance of the listed building. No conflict therefore arises with DMP Policy DM6. The appeal therefore succeeds in relation to these two elements of the proposal.

Conditions

29. For certainty, it is necessary that the works are carried out in accordance with the approved plans. It is appropriate to impose a condition seeking further details of the proposed windows in the interests of the character and appearance of the heritage asset.

Conclusion

30. In carrying out the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, I confirm that the works which I have found acceptable would preserve the listed building. They accord with the development plan policies referred to, and hence the development plan overall. They also meet the aims of the NPPF.
31. Conversely, those works found unacceptable would conflict with the development plan overall. With regard to the NPPF, I have not found sufficient public benefits that would outweigh the harm identified.

Elaine Gray

INSPECTOR