



Appeal Decision

Site visit made on 19 April 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/N1730/D/22/3305469

Broad Oak, Cricket Green Lane, Hartley Wintney, Hook, Hampshire, RG27 8PH

- 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 Gordon Young against the decision of Hart District Council.
 - The application Ref 22/01290/HOU, dated 15 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is replace +30 year old dilapidated bedroom windows x 2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted alternative replacement window drawings as part of the appeal. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles – including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted would be deprived of that opportunity. As these alternative drawings have not been the subject of consultation as part of the appeal process, I am not accepting them as evidence for this appeal as it could prejudice other parties who have not had chance to comment. I have therefore made my decision based on the drawings submitted as part of the original application.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Hartley Wintney Conservation Area.

Reasons

4. Broad Oak House is a two-storey detached dwelling within the Hartley Wintney Conservation Area (CA).
5. I have had regard to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to desirability of preserving or enhancing the character and appearance of the CA. The National Planning Policy Framework (the Framework) further seeks the conservation of heritage assets, such as CAs, which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance.

¹ Wheatcroft Ltd V SSE [1982]

6. All unlisted dwellings in CA are subject to a direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 which came into force on 23 January 1998 and states which permitted development rights are removed.
7. The appeal property is located within 'The Common' (Character Area 4), which is one of five Conservation Character Areas identified in Hartley Wintney Conservation Area. The appeal property is identified in the Hartley Wintney Conservation Area Character Appraisal (HWCAA) as a 'positive' building of townscape merit that contributes positively to the special interest of the CA. The HWCAA characterises positive buildings as predominantly relatively unaltered historic buildings which provide interest and variety and make a positive contribution to the special interest of the CA. The appeal property's significance within the CA includes its unaltered façade.
8. The existing windows are concordant with the age and character of the host building and contribute strongly and positively to its style and appearance. In contrast, the appeal scheme proposed windows have wider frames and glazing bars, with a flat finish to the frame design and a consistent frame thickness across all the panes. The proposed design for window 1 has side hung sashes on the left and right-hand side with fixed glass in the centre, in contrast to the siting of the opening lights as existing.
9. Although the new windows would also be wooden and painted white, the detailing and thickness of the frame and glazing bars would be odds with the appearance of the original windows on the front elevation of this and other dwellings within the CA, and would be prominent due to being on the front elevation at first floor level. This would introduce more modern styling into what is presently a largely intact historic property, detrimentally altering the appearance of the front elevation which is visible in the street scene and resulting in harm to the historic integrity and significance of The Common (Character Area 4). The use of Deco strips would not mitigate this harm.
10. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, resulting in less than substantial harm to the significance of this designated heritage asset. Paragraph 202 of the Framework indicates that such harm should be weighed against the public benefits of the proposal. It is noted that the replacement windows would allow a means of escape in the event of a fire. Even if I were to consider the means of escape as a public benefit it does not outweigh the harm identified above.
11. I have considered the appellant's inclusion of a short summary extract from a Building Survey Report² which highlights defects in the windows, and my site visit confirmed that they are in need of repair or replacement. I do understand the appellant's wish to update and improve the windows in order to reduce reliance on electric oil heaters, lower costs and attain an EPC certificate with an improved rating. The development would enhance the heat retention of the affected rooms, reducing future carbon emissions. However, this would be a modest benefit as the gain from the improved thermal performance of just two windows would be limited. Although this aim is supported by the Parish Council, it would not outweigh the harm to the CA and it has not been shown that this scheme is the only way to address this.

² Building Survey Report RICS, 20th July 2020

12. Therefore, giving great weight to the special interest of the Hartley Wintney Conservation Area, I consider that the less than substantial harm I have identified would not be outweighed by the public benefits. In failing to preserve or enhance the character or appearance of the conservation area the appeal scheme would conflict with Policies NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (2020) and Saved Policy GEN1 of the Hart Local Plan (Replacement) 1996-2006 saved policies (2020). Together, these policies seek to ensure - amongst other matters - that developments conserve or enhance local character and protect heritage assets and their settings. In addition, the proposal would not accord with the Framework which requires any harm to a heritage asset to have clear and convincing justification.

Conclusion

13. For the reasons given, the development fails to accord with the relevant policies of the development plan and the Framework. There are no material considerations in this case which indicate that a decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

J Wellstead

INSPECTOR