



Appeal Decisions

Site visit made on 28 November 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal A Ref: APP/V1260/W/22/3312662

24, 26, 28 and 28a High Street, Poole BH15 1BP

- 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 Ms Belinda Powell of Yeatmans Enterprises of Poole Limited against the decision of BCP Council.
 - The application Ref APP/22/00207/F, dated 15 February 2022, was refused by notice dated 30 August 2022.
 - The development proposed is to change the windows from single glazed painted softwood vertical sliding sashes to double glazed painted hardwood vertical sliding sashes. Replacement of softwood cills with stone. Retrospective application for side gate, hand grip replacement (right door) and new hand grip (left door). Step rail (retrospective).
-

Appeal B Ref: APP/V1260/Y/22/3312663

24, 26, 28 and 28a High Street, Poole BH15 1BP

- 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 Ms Belinda Powell of Yeatmans Enterprises of Poole Limited against the decision of BCP Council.
 - The application Ref APP/22/00153/L, dated 3 February 2022, was refused by notice dated 30 August 2022.
 - The works proposed are to change the windows from single glazed painted softwood vertical sliding sashes to double glazed painted hardwood vertical sliding sashes. Replacement of softwood cills with stone. Retrospective application for side gate, hand grip replacement (right door) and new hand grip (left door). Step rail (retrospective).
-

Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. 24, 26, 28 and 28a High Street (Nos 24, 26, 28 and 28a) are listed buildings in the Town Centre Heritage Conservation Area. As required by Sections 16, 66, and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

5. The original applications proposed the replacement of the first floor windows and cills, a side gate, step rail, and hand grips. It was apparent from my visit that a gate, hand grips, a step rail, and windows to Nos 24 and 26 had been installed, although the windows to No 28 and 28a had not been changed. Notwithstanding this, I have confined myself to the consideration of the proposal before me, rather than what has occurred on site.
6. There is no dispute between the main parties regarding the gate, hand grips and the step rail. Given this agreement, the appeals turn on the replacement windows.

Main Issue

7. The main issue for both appeals is whether the windows would preserve listed buildings and their settings and any of the features of special architectural or historic interest they possess, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

8. The appeals buildings are part of a terrace that forms a long and tall line to the northern edge of the footway. Positioned on a busy road in the town centre, 24, 26, 28 and 28a High Street are part of the numerous historic buildings near to the quayside. The straight nature of the road provides long views, including of the appeals properties, and these buildings contribute positively to the rich variety of historic buildings that flank the footways. Near to the appeals buildings the High Street is of a single carriageway width, and the rows of mostly two storey buildings give an enclosed and intimate appearance to the area. The nature of the road, with its focus upon the quay and its associated commercial buildings, reflects the historic functional and social importance of the area. The presence of so many high-quality historic buildings, their enclosure of the public highway, and the diversity of their public and private uses, creates an attractive, bustling dynamic character, all of which is part of the significance of the conservation area.
9. The appeals properties contribute positively to the vibrant, historic character and appearance of the town centre. Like many of the other buildings nearby, these buildings were formerly dwellings with the ground floor now being shops with residential above. This division of uses within a building between public and private is a distinct and repeated aspect of the High Street, contributing towards the character and appearance of the conservation area.
10. The buildings are handsome examples of Georgian period houses. The front elevations are brick, and the first floor windows have a deliberate positional symmetry, with each being six-over-six pane sashes under gauged brick arches with keystones. The elegant, politely mannered forms and detailing of these buildings is evident, reflecting their high status in a prominent position in the historic town, all of which are part of the special interest of these listed buildings.

11. Alterations have occurred over time, such as the shop fronts, some of the window arches being plasterwork, and the first floor windows are considered to date from the late twentieth century. Despite these changes, the neo-classical style of the buildings remains legible. The remaining and removed windows may not be historic, but their style, form and their single glazing harmonises with the historic distinctiveness of these listed buildings and with that of those nearby. These windows retained the elegant, mannered nature of the buildings as well as making a positive contribution to the attractive, cohesive historic appearance of the conservation area.
12. Replacement windows have been installed within Nos 24 and 26, and although stone cills have been proposed, those that have been provided are white painted. The white painted timber sashes are and would be an incongruous addition within the principal elevations of these elegant historic buildings. The introduction of double-glazed units makes the windows conspicuously different to the single glazed windows of the adjoining properties. Even being elevated at first floor level, the flat, monotonous surface of the glass harmfully catches the eye, and this when combined with the double reflection results in the windows being unduly prominent. Given this, the windows would disrupt the cohesion of the polite mannered appearance that is such a feature of neo-classical architecture and the special interest of these listed buildings.
13. The appellant has drawn my attention to the guidance of Historic England in which it refers to the possibility of using slim-profile double-glazing without harming the significance of the building ("Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency" and "Traditional Windows: Their Care, Repair, and Upgrading"). The windows are and would be slim profile and I saw at my site visit that the spacers are white. Notwithstanding this, the spacers are evident in Nos 24 and 26, and they emphasise the bulky nature of the double-glazing. Whilst noting the guidance of Historic England, in this case the presence of a long row of double-glazed windows would have a clumsy dominance that would be at harmful odds with the mannered appearance of the upper floors of these buildings.
14. Not only would the windows form a harsh juxtaposition with the high-quality form, detailing and traditional materials of their hosts, but they would also have a discordant prominence compared to the single glazed timber windows in the buildings either side and nearby. In an area where most of the first floor windows are single glazed, whether they be multi-paned or Victorian sashes, in such a context the windows would appear harshly different. Given this contrast, the windows would harmfully draw the eye, and would not only harm the special interest of these listed buildings, but also detract from the historic upper floor cohesion that is part of the character and appearance of the conservation area.
15. The appellant has explained that the works had to be undertaken as the softwood windows were beyond repair, being potentially dangerous, that condensation was a problem, and that previous repairs have prevented the windows from being opened. However, details of why repair has been discounted for each window has not been provided. A further consideration of the appellant was to reduce heat loss and carbon emissions. Notwithstanding this, such improvements could also be achieved through other means, and it does not follow that new double-glazed windows are the only option.

16. My attention has been drawn to other cases where slim profile double-glazed windows have been installed, including 34 High Street. However, these windows are within the ground floor and they project into the footway. As regards the other cases cited by the appellant (ref: APP/D1265/Y/21/3285414 and APP/D1265/W/21/3286720) there are several differences between these schemes and that before me. The former is for replacement windows to the rear and gable end of the building, rather than on the principal elevation, whilst the other case is not a listed building and is within an area where traditional window designs are not a predominant characteristic. Having regard to these differences, none of these comparisons forms a binding precedent for approving the works.
17. 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. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given my findings, the works would fail to preserve the special interest and settings of these listed buildings, nor preserve or enhance the character or appearance of the conservation area. The harms would be less than substantial as the works would affect only part of the buildings and the conservation area, although these harms would be of considerable importance and weight.
18. The Framework advises that where development would lead to less than substantial harm that this harm should be weighed against the public benefits of the proposal. Reducing heat loss and carbon emissions would provide both public and personal benefits, including for the occupiers of the property. Nevertheless, these public benefits would not outweigh the harms that I have identified, and the continued viable use of the properties is not dependent on the works as the buildings have ongoing residential and commercial uses.
19. For these reasons the windows would fail to preserve these listed buildings, their settings and their special interest, and linked to that they would neither preserve nor enhance the character or appearance of the conservation area. The harms would be contrary to the requirements of the Act, and they would not be outweighed by public benefits, thereby failing to accord with objectives of the Framework. The works would also fail to accord with the requirements of Policy PP30 of the Poole Local Plan (2018), which seeks amongst other things, that development should preserve or enhance the historic and architectural significance of heritage assets and their setting, reflecting objectives of the Framework.

Other Matters

20. The appeals include other works to the buildings, namely a gate, hand grips and a step rail. The appellant has referred to written agreement from the Council for these works and I saw at my site inspection that they had been undertaken. Whilst noting the comments of the main parties, few details of these works have been put before me, including details of fixings and whether there was any loss of historic fabric. In the absence of such information the impact of the works upon the special interest of these buildings cannot be assessed with any certainty, and what conditions if any, would be appropriate would be difficult to ascertain from the information provided, particularly given

that the works have already occurred. As I am dismissing the appeals for other reasons, I have not pursued these matters further.

21. Finally, concerns regarding the Council's handling of the applications relate to procedural matters and fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

22. Given the above, the works would fail to preserve these listed buildings and their settings and features of special interest, nor preserve or enhance the character or appearance of the conservation area. The works would fail to satisfy the requirements of the Act and the Framework, and would conflict with the development plan. Thus, for the above reasons and having regard to all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR