



Appeal Decision

Site visit made on 4 December 2023

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal Ref: APP/H0724/W/23/3330638

Flat 3, 24 Beaconsfield Street, Hartlepool, Cleveland TS24 0NX

- 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 Lucy Cumming against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0374, dated 27 September 2022, was refused by notice dated 17 August 2023.
 - The development proposed is replacement of 4 timber windows for 4 uPVC windows (2 at the front, 1 at the side, 1 at the back).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out and so I am considering the proposal retrospectively.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore no parties have been prejudiced by its publication.

Main Issue

4. The main issue in this appeal is whether the character or appearance of the Headland Conservation Area (the HCA) would be preserved or enhanced.

Reasons

5. The appeal site is situated within the HCA, which encompasses the historic settlement of the town. As far as it is relevant to this appeal, the HCA derives some of its special interest and significance from the historic and aesthetic value found in its Victorian residential architecture. It is noted that the HCA is currently recorded on the Historic England 'Heritage at Risk' register. The Council cites the cumulative loss of traditional details, such as timber windows and doors, as a major concern in this regard.
6. The Framework makes clear that heritage assets are an irreplaceable resource, and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

7. At a local level, Policy HE7 of the Hartlepool Local Plan 2018 (the LP) sets out that the retention, protection, and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. In addition, Policies HE1 and HE3 of the LP reflect the statutory duty¹ to preserve or enhance the character or appearance of conservation areas within the Borough, by amongst other things, having regard to design and materials and the retention of architectural details of special interest.
8. The HCA is also subject to an Article 4 Direction which has been imposed on certain buildings to assist in protecting architectural elements, such as traditional sash windows, from incremental change.
9. The appeal site is one of the buildings covered by the Article 4 Direction. The building occupies a prominent position at the end of a traditional brick terrace, with its front and side elevations highly visible from the adjacent streets. The rear elevation is less prominent, but can still be seen from the rear service lane and therefore forms part of the experience of the HCA. The traditional timber sliding sash windows in the building are an important component of its character and contribute positively to the significance of the HCA as a whole.
10. The development has resulted in the replacement of 4 traditional timber sliding sash windows with modern uPVC frames. At my site visit, I was easily able to differentiate them from the timber sliding sash windows in the rest of the building, even at a distance. This is largely due to their much flatter sectional profile and the smoother texture of the frames. Patently, the difference would be even more pronounced when the windows are in an open position, with the top lights jutting out from the building. Consequently, the installed windows do not satisfactorily replicate the appearance of traditional timber sliding sash windows and appear incongruous, such that they constitute a harmful change to this building and the HCA as a whole.
11. As the appellant points out, many windows in the immediate area have been replaced with similar uPVC units. However, there is no evidence before me to suggest that these equally damaging alterations were carried out with planning permission. In any event, the further degradation of the traditional architectural qualities of the area by such unsympathetic development does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the HCA as a whole. Similarly, the presence of other unsympathetic features in the HCA, such as modern street furniture, does not mean that the alterations under consideration have any less harmful effect.
12. Overall, I consider that the installed windows are a harmful addition to the building and contribute incrementally to further erosion of the significance of the HCA as a whole. The magnitude of harm can be classed as less than substantial in the terms of the Framework. Nevertheless, in the context of the HCA as a whole, the windows have failed to preserve or enhance its character and appearance. This is a matter of considerable importance and weight.
13. Based on photographs provided with the appeal, it would appear that at least some of the old windows were in a poor condition and I have had particular regard to the appellant's concerns for the health and safety of their young child. Whilst this might justify timely action, I do not consider that the

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

identified issues could not have been addressed in some other less or not harmful way. Therefore, I do not consider that the mostly private benefits of the development outweigh the harm caused by it.

14. Thus, the development is contrary to statutory requirements; parts 12 and 16 of the Framework; and Policies HE1, HE3, and HE7 of the LP with regards to achieving good design and conserving and enhancing the historic environment.

Other Matters

15. It is unfortunate if the appellant was not aware of the need to obtain planning permission for the works and I have taken into account the letter of support from a neighbour. However, these matters are not justification for harmful development.

16. I recognise the potential economic implications of remedial works if the appeal is dismissed. However, it would be a matter for the Council to progress enforcement action in the first instance. Consequently, it is not a factor which bears on my consideration of the planning merits of the proposal under this Section 78 appeal.

Conclusion

17. The development conflicts with the requirements of the Act, the Framework, and the development plan as a whole. There are no material considerations, including the personal circumstances raised, which outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR