



Appeal Decision

Site visit made on 24 November 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/H0724/W/23/3327600

9 Upper Church Street, Hartlepool TS24 7ET

- 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 Darab Rezai against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0401, dated 20 October 2022, was refused by notice dated 23 February 2023.
 - The development is removal of dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The dormer has been removed. Therefore, I have considered the appeal on a retrospective basis. However, in the description of the development above, I have removed the reference to it being retrospective given this is not an act of development.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in my decision.

Main Issue

4. The main issue is whether the development has preserved or enhanced the character or appearance of the Church Street Conservation Area (CA).

Reasons

5. Buildings within the CA include those which were built for municipal, banking, commercial and social purposes. Examples include the landmark buildings of the Grand Hotel on Victoria Road, the Yorkshire Bank building and Christ Church. These buildings illustrate the historic development of this part of Hartlepool. Many buildings within the CA exhibit traditional and ornate detailing. The formal open space and the statues within it to the surrounds of Christ Church provide a focal point within the CA. These features of historic and architectural interest contribute positively to the character and appearance of the CA and its significance. There is no disagreement between the appeal parties that the CA is on Historic England's heritage at risk register.
6. The appeal site is a mid-terraced property. Within the short terraced row it forms a part of, there are 3 other properties of a similar scale and appearance. The host property is traditionally designed, constructed of brick with a slate roof covering. Its front elevation features a first floor bay window with a sliding

sash window adjacent to it. The roofscape features chimneys. The terraced properties of the similar appearance adjacent to the appeal site include dormers to their roof slopes. The host property and the terraced properties beside it provide examples of the traditional built form and composition of their period of construction. For this reason, together with the degree of consistency exhibited in their appearance, the host property and the terrace it forms a part of contribute positively to the character and appearance of the CA and its significance.

7. Prior to the removal of the one on the host property, all four of the terraced properties had a dormer on the front roof slope. Owing to the similar appearance of these dormers, they collectively contributed to the design cohesion exhibited by the terraced row. The three which remain incorporate side glazing, as did the one which has been removed. The dormers represent examples of the type of traditional gabled dormers which serve attic accommodation. As set out within the Church Street Conservation Area Character Appraisal Management Plan, such dormers formed a part of the architectural character of buildings of this period within the CA.
8. The original purpose of such dormers was to provide light and ventilation and the attic space within the host property may not have been occupied for many years. Even so, their presence and appearance have architectural and historic interest. Therefore, I find that such dormers are features of merit which contribute positively to the significance of the CA. That many other properties within the CA do not have dormers does not diminish the value of those which are present.
9. The removal of the dormer on the host property has resulted in the loss of a feature which enriched the architectural character of the building and wider terrace and has eroded the design cohesion of the terrace. This has caused harm to the character and appearance of the host building and street scene and it follows that the removal of the dormer has failed to preserve or enhance the character or appearance of the CA.
10. The harm to the designated heritage asset would be less than substantial. Even so, having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm is a matter of considerable importance and weight in my decision.
11. Although as a part of the works undertaken the replacement roof slates are appropriate, this has not provided sufficient mitigation for the harm which has resulted from the dormer's removal. Given the harm I have identified I also cannot agree with the appellant that the development has resulted in an appropriate treatment to areas of the building above the shop frontage. Although it has been put to me that the dormer was in a deteriorating state and visually unappealing, the evidence before me in this regard is not compelling. The evidence that it was not viable for the dormer to be repaired or replaced is also not substantive or convincing. Furthermore, the alleged detriment that the dormer was placing upon the day to day running of the restaurant is not clear to me. Therefore, I cannot agree with the appellant that a benefit to the business has materialised from the development which outweighs the harm to the heritage asset.
12. Having failed to preserve or enhance the character or appearance of the CA, I find that the development conflicts with Policies HE1, HE3, HE7 and QP4 of the

Hartlepool Local Plan. In summary and amongst other matters, these policies set out that the retention, protection and enhancement of heritage assets which are at risk is a priority, that development proposals should preserve or enhance the character and townscape of conservation areas and seek to retain features of architectural interest. The harm to the CA has not been clearly or convincingly justified whilst no public benefits have been put to me which would outweigh the less than substantial harm to the significance of the CA. The development is therefore contrary to the advice to this end at paragraphs 206 and 208 of the Framework. The development is also in conflict with advice at paragraphs 128, 135 and 195 of the Framework. Amongst other matters these paragraphs state that development should secure well-designed, beautiful and attractive places which are sympathetic to local character and history. They also set out that heritage assets should be conserved in a manner appropriate to their significance.

Conclusion

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In my main issue, I have identified that the development has failed to preserve or enhance the character or appearance of the Church Street Conservation Area. I have identified conflict with development plan policies and with paragraphs within the Framework as a result of these effects.
14. My attention has been drawn to a number of other development plan policies and content within the Framework. Whilst the development may not conflict with all development plan policies or those within the Framework, I have nevertheless identified harm, that some policy conflict would arise and overall, I conclude that the proposed development would conflict with the development plan as a whole. I have had regard to other considerations material to the appeal including the Framework but there are no considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR