



Appeal Decision

Site visit made on 7 February 2024

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/X1735/Y/23/3321346

**Flat 7, Royal Apartments, 31 Sea Front, Hayling Island, Hampshire
PO11 0AD**

- 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 Dr Neil Ogg against the decision of Havant Borough Council.
 - The application Ref APP/23/00114, dated 6 February 2023, was refused by notice dated 28 April 2023.
 - The works proposed are to replace 6 existing single glazed sash windows on the north side of Flat 7 with new hardwood sash windows including slimline double glazing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the works would have on the special architectural and historic interest of the grade II listed Royal Hotel.

Reasons

3. The Royal Hotel is an imposing building in a late Georgian style whose significance as a designated heritage asset includes its architecture, materials, history, and architectural features. Its architectural composition relies to a notable extent on the formal fenestration arrangement of vertically proportioned and delicately detailed timber windows set in reveals, mainly of the vertical sliding sash type. Although not described in the list description and not as elegant as the front elevation, the rear elevation also possesses a formality expressed through its fenestration pattern and joinery details of the windows, contributing to the building's significance.
4. The proposal would replace six windows in part of the top floor's rear elevation with replicas. All are presently timber sliding sash windows. The list description notes most windows in the building are Victorian, and they display the large panes and narrow glazing bars often associated with the later C19. The drawings appear to illustrate that the proposal encompasses not just replacing the sashes but the frames including the weight boxes as well, albeit that the specifications note that weights and pulleys would be re-used in part.
5. The details provided are unclear as to whether the sealed double-glazed units would be retained with a traditional putty fillet, a timber beading that seeks to replicate such an effect or some other arrangement. Further it is unclear whether the proposed top sashes would be detailed to be functional but fixed in

place or designed as permanently fixed elements. Sash 'horns' would only be included on the upper sashes. This raises uncertainty as to the faithfulness of the replication proposed.

6. The replacement of the windows could result in the loss of historic, although not original, fabric and the evidential significance that carries. The appellant considers that the windows were replaced in the 1990s which may lend more support to the proposal, however there is no substantive evidence confirming this, nor the extent or specification of the replacement works the appellant advises were carried out when the building was converted into flats. Furthermore, no information has been presented about the age or type of glass the sashes presently contain and thus their contribution towards significance. Irrespective of the age of the panes, sealed double glazed units would not share the same reflective subtleties of single glazed windows.
7. The visual effects from the exterior would be less marked depending on the details of glazing bars and glazing fixing, albeit that the reflective qualities of the double glazing would be different from those of the present arrangement of single glazing with secondary units set back from the exterior panes. Given that there is already some variety in the detailing of windows on the rear elevation this would only have a limited effect on the overall composition of the rear elevation of the building.
8. It has not been convincingly demonstrated that the works would preserve the significance or special interest that the listed building derives from its windows, albeit that any harm would be limited in light of the work's situation and extent in the context of the listed building considered overall.
9. Only very limited information about the condition of the existing sashes and frames has been provided. The defects the appellant lists such as peeling paint, defective sealing and damaged mechanisms would appear to be capable of being resolved without resorting to the replacement of the sashes or the frames. Unless particularly extensive, even decayed timber can usually be repaired with straightforward traditional joinery techniques. This may be less pertinent if the window fabric is of more recent origin. However, as explained above this has not been evidenced. It has not been satisfactorily demonstrated that the windows' condition necessitates their replacement.
10. Clearly the windows need to be functional to provide suitable ventilation and I can appreciate the appellant's desire to address the secondary glazing if it is not performing well. Furthermore, I can understand why the appellant will have taken comfort from the previous approval of replacement windows with a similar specification in the same flat, as well as window replacement elsewhere in the building.
11. Given the number of occasions that the Council appear to have granted consent for replacement windows, this could weigh significantly in favour of this proposal, particularly given the relative differences between the contribution the front and rear elevations contribute to the building's significance. The Council's differentiation between the exposed seafront situation of windows replaced at the front does not explain how other locational effects such as the north facing aspect of rear rooms and the windows serving them may also raise microclimatic issues influencing the suitability of various thermal improvements. Nevertheless, I have not been presented with the full

- details of the circumstances that led to those decisions, including the condition, age and configuration of those windows considered acceptable to replace.
12. The shortcomings in information and details about the existing and proposed windows, and previous works, means that there is insufficient evidence to demonstrate that the special interest of the listed building would not be harmed by the proposal, nor that the circumstances exist where any such harm could be outweighed by other considerations. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses. In doing so I have also given great weight to the designated heritage asset's conservation. Although any harm would be limited, it nevertheless carries considerable importance and weight.
 13. This harm to significance would be less than substantial in the terms of the National Planning Policy Framework (the Framework). These are circumstances where the Framework requires such harm to be balanced against any public benefits of the proposal. From the information provided, benefits would be largely for the comfort and convenience of the occupiers. There is no suggestion that works are necessary to secure the optimal viable use of the building but there may be some very limited public benefits in terms of overall reduction in energy consumption if the proposed windows' thermal performance would be an improvement on the existing. Nevertheless, on the basis of the evidence before me, any public benefits would not outweigh the harm.
 14. The works would run contrary to Core Strategy¹ Policies CS11 and CS16, and Local Plan² Policy DM20, insofar as they are material to the proposal. Together these seek to conserve and protect local heritage and historic assets, and promote good design.
 15. Whilst I can understand the appellant's concern about the condition of the adjoining listed building, and I have noted the support that the works have received from both the building management company and a local residents' association, that does not alter the effects of the proposed works and these considerations do not lead me to a different conclusion.

Conclusion

16. For the above reasons it has not been demonstrated that the works would preserve the special interest of the listed building, contrary to the Act and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

¹ Havant Borough Core Strategy, 2011.

² Havant Borough Local Plan (Allocations), Adopted Version, 2014.