



Appeal Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/H0724/D/24/3341915

38 Clifton Avenue, Hartlepool TS26 9QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adeel Hussain against the decision of Hartlepool Borough Council.
 - The application Ref is H/2023/0338.
 - The development is described as: 'replacement of single glazed sliding sash timber windows to the front elevation and the bay window to side/east elevation with uPVC double glazed mock sash casement windows and replacement of 3no. velux windows to the front elevation'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective in that the windows have already been installed. I have nevertheless determined the appeal on the basis of the submitted plans. I have taken the description of development in the banner heading above from the appeal form in the interests of accuracy. In doing so I have removed the word 'retrospective' as this is not an act of development.
3. The appeal site lies within Grange Conservation Area (the CA). I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the refusal of the application, an Enforcement Notice has been served requiring the removal of the installed UPVC windows to the side and front; removal of the rooflights to the front; and restoration of the windows and roof to their previous condition. I have not been provided with any confirmation that the Notice has been complied with or appealed to date. Nonetheless, my focus is on the acceptability of the development and the appeal before me.

Main Issue

5. The main issue is whether the development preserves or enhances the character and appearance of the CA.

Reasons

6. The CA extends over a predominantly residential area to the west of the town centre. The CA is characterised, in part, by substantial, predominantly semi-detached, Victorian villas set back behind small front gardens. The villas feature ground and first floor bay windows, brick and terracotta detailing, and

slate roofs. Whilst each pair of semis is different to the next in terms of architectural detailing; their consistency in materials, form and their regular pattern of bay windows provides an attractive and coherent pattern to the streetscene.

7. The significance of the CA insofar as it relates to this appeal includes the prevalence of Victorian development and their architectural composition with dominant bay windows, their architectural detailing and the consistency in fenestration. Given the prevalence of second floors in the substantial dwellings here, rooflights are reasonably common. Typically, these are modestly sized and limited to one or two rooflights per roofslope. Historically, windows here are painted timber sliding sash windows, although some of these have been replaced with UPVC sliding sash and UPVC casement windows. The UPVC casement windows, with their thicker frames and lacking the depth of sliding sash windows have a negative effect on the character and appearance.
8. As set out in the Grange Conservation Area Character Appraisal, *'windows are key features in the architecture of the area used to enliven elevations.'* The prominence of the bay windows in the streetscene, in particular, provides an emphasis to the windows as features of the buildings here. As I saw on the site visit, the area is characterised by traditional Victorian, double-hung vertical sliding timber sashes, without glazing bar subdivisions.
9. The appeal property is a brick-built semi-detached villa that, with its prominent bay windows to the front and side is reflective of the Victorian villa development that contributes to the character of the CA. The pre-existing timber windows have already been removed as part of the works to install the UPVC casement windows. No justification has been provided for their total removal and there is no evidence before me that some or all were not capable of being repaired. The loss of historic fabric without justification has clearly resulted in harm to the character and appearance of the existing building and has diminished its contribution to the CA, to the detriment of its significance.
10. The windows that have been installed are casement windows with no glazing bars and 'horns' which are an attempt to replicate the design of the previously existing sliding sash windows. However, through their material, the thicknesses of the frames and the general proportions, these fail to come close to reproducing the design or the character and craftsmanship present in timber windows such as those present in the adjoining dwelling. They also appear distinctly 'flat', lacking the depth and the intricacies of the framing of the windows in the neighbouring dwelling and in the CA more generally. Whilst I am unaware of the type of glass that was present in the windows prior to their removal, modern glass cannot replicate the varied appearance of historic glass.
11. Seen alongside the remaining historic windows present within other properties along the street, the harm arising from the replacement windows is highly evident. The prominence and importance of the bay windows to the architectural composition of the dwelling emphasises the incongruity of the windows here. Moreover, whilst I accept that the replacement of windows is a relatively small alteration in the context of the CA, it is these incremental changes to key features which contribute to and positively reinforce the character and appearance of a conservation area, that have potential to dilute and undermine an area's special interest. In turn this is harmful to a conservation area as a whole and its significance as a designated heritage

asset. I also note that the CA is protected by an Article 4 direction which has been imposed to protect architectural elements such as windows from incremental change.

12. As referred to above, on the site visit I saw numerous properties with UPVC replacement windows. Some of these were similar to those that are the subject of the appeal before me. Whilst I sympathise with the appellant in this regard, it is not clear whether these have been installed with planning permission, which limits the weight I can give to their presence. Nevertheless, when seen alongside the historic windows, the contrast between them is clear and this reinforces my above assessment. In that regard I would note that evidence of existing harm to a conservation area is rarely justification for additional harm.
13. The appeal property previously had a single rooflight. Three large rooflights have been installed to the front roofslope. Whilst these do not project significantly above the plane of the roof, they occupy a large area of the roofslope and are dominant features of the roofscape here. The extent and scale of the rooflights are not reflective of the prevailing character of the CA and are therefore harmful to its special interest and significance.
14. For the above reasons, I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA. This is contrary to the requirements of section 72(1) of the Act. As such the development is harmful to the significance of this designated heritage asset.
15. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the development, I find that the harm in this instance is 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the development, including, where appropriate, securing the asset's optimum viable use.
16. I have not been directed to any public benefits arising from the appeal scheme. The appellant may be of the view that the development provides improved insulation, however it is not clear if more simple thermal upgrading options, such as draught-proofing or secondary glazing, have been considered. Moreover, any public benefits arising from improved thermal efficiency from double glazing in the dwelling are inherently limited by the small-scale nature of the development. Overall, these limited public benefits do not outweigh the harm I have identified above.
17. The development fails to preserve or enhance the character or appearance of the CA and is harmful to its significance. This is contrary to the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact is also contrary to Policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018) and the provisions of the Framework which together seek to conserve and enhance heritage assets through high quality design and reinforcing local distinctiveness.

Conclusion

18. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR