
Site Address:	Flat 11, Royal Apartments, 31 Sea Front, Hayling Island, PO11 0AD		
Proposal:	Listed Building application for replacement double glazed timber sliding sash windows.		
Application No:	APP/16/01299	Expiry Date:	01/03/2017
Applicant:	Mr and Mrs D Collins		
Agent:	Mr J Dale	Case Officer:	Lewis Oliver
	Jon Dale Architects Ltd		
Ward:	Hayling West		

Recommendation: **GRANT LISTED BUILDING CONSENT**

1 Site Description

The site lies on the southern coast of Hayling Island, accessed from Seafront Road, running east – west. The block of three storey apartments to which Flat 11 belongs have open views of the Beachlands foreshore area and the Solent. The building itself is Grade II listed and is built in a Georgian style. Formerly a Hotel the building is now used as residential apartments.

2 Planning History

13/00173/CMP - Enforcement Notice requiring the removal of double glazed UPVC windows issued 13/9/14. Enforcement Appeal Dismissed 23/11/15. The Inspector concluded that the benefits identified of the replacement windows do not justify or outweigh the considerable harm caused to the listed building. The period for compliance was set as a 6 month period.

APP/17/00050 - Listed Building application for internal modifications., DEL,

3 Proposal

In July 2013, the Councils attention was drawn to the installation of replacement Upvc windows to Flat 11, Royal Apartments. A site visit undertaken on 14 August 2013 revealed that 5no. windows to the southern elevation of the flat and 3no. windows to the western elevation of the flat had been replaced with Upvc units. The owners at this time were advised of the breach of listed building control by letter on 7 November 2013; this letter advising that the windows in question should be removed and replaced with traditional timber single glazed sash windows. A sequence of correspondence then followed whereby the owners raised concern about the use of single glazing given the seafront location of the flats, and officers provided advice regarding secondary glazing options available. The owners also advised that a number of the windows had been replaced a considerable number of years prior to the current enquiry and requested that consideration of action be held in abeyance pending their return to the country in April 2014, at which time they would seek legal advice.

No listed building consent application was received to try and remedy the situation. Therefore a listed building enforcement notice was served on the 11 September 2014.

Following the service of the listed building enforcement notice an appeal was lodged (by the owner at this time). This appeal was subsequently dismissed by the Planning Inspector on 22 November 2015. The Inspectors decision had the effect of restarting the period in which the requirements of the Listed Building Enforcement Notice required completion by 22 June 2016.

The Planning Authority were made aware by Estate Agents Morris Dibben of Hayling Island towards the end of the compliance period that the property had been placed with them and offered For Sale. Our records reveal that contact with them on 25 May 2016 confirmed an offer had been accepted for the property and was progressing with a view to completion by early August 2016. The proposed new owners (applicants of this application) indicated that they would be willing to undertake the works and therefore the Planning Authority was willing to extend the compliance period of the notice. Unfortunately the sale was held up but the sale has now been completed. The new owners have submitted this application with works outlined that seek compliance with the notice.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Grade 2

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer, Development Control - No Objection subject to a condition requiring implementation of the windows within a 4 month period

Historic England - The application can be determined in accordance with the LPA's own expert conservation advice.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 34

Number of site notices: 1_

Statutory advertisement: 13/01/2017

Number of representations received: 1

Summary: Support the application

Comment:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Impact upon the character and setting of the listed building

(i) Principle of development

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent. The general principle is that within the historic envelope windows of appropriate design should be retained and repaired where necessary. Where beyond economic repair or of inappropriate design, replacements should be designed to reflect the architectural character of the building. In order to achieve an appropriate visual appearance and achieve an authentic narrow glazing bar design, single glazed windows are normally needed. Thermal efficiency and condensation issues being addressed through the use of secondary glazing. Outside the historic core, the objective is to achieve windows of compatible design to complement those within the main building, as appropriate. It is acknowledged, that in new build elements, closer adherence to the current higher thermal standards is needed.

Appropriateness of Replacement – The principle of the replacement of the unauthorised Upvc windows is accepted. Should the principle for replacement be agreed (as here), the detail of what is proposed needs to be clearly articulated through the submission of detailed scaled drawings. The proposal in this case is to replace all unauthorised Upvc windows within the

historic core of the property with timber slim double glazed units to minimise the impact on the window profile. This is a very borderline case. In the rare cases that an exemption has previously been made, it is on the basis of a marked visual improvement to the resulting character of the building, e.g. where inappropriate unsympathetic cruder modern windows were to be replaced with windows of a more traditional design. This is clearly the case in this instance with the details showing that traditionally designed windows are to be inserted that will improve the appearance of the apartment. On this basis it is considered that the proposed works would enhance the current character and setting of the Listed Building.

8 Conclusion

The proposed replacement windows are considered to enhance the character and setting of the listed building. The works would therefore address the requirements of the current Enforcement Notice on the site, reference 13/00173/CMP. The proposed four (4) month implementation period for the windows has been agreed with the agent and new owners, and therefore condition 1 is considered to comply with the statutory tests for planning conditions laid out in the Planning Practice Guidance.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT LISTED BUILDING CONSENT** for application APP/16/01299

(A)

(B) for the following reasons/subject to the following conditions

- 1 The works hereby permitted shall be installed within four (4) calendar months of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Furthermore this consent seeks to regularise unauthorised Upvc windows and the shorter timeframe in this instance is appropriate.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

ADC/HI/01 LOCATION AND BLOCK PLANS

ADC/HI/02 ELEVATIONS

ADC/HI/03 PHOTOGRAPH OF RETAINED ORIGINAL S/S WINDOW
FORMAT

ADC/HI/04 ELEVATION AND DETAIL SECTIONS OF WINDOWS

16/020/SK01 WINDOW LOCATION PLAN/SECOND FLOOR PLAN/SOUTH
AND WEST ELEVATION PHOTOS

No 11 Royal Apartments - Sea Front, Hayling Island Heritage and Design
Statement

Reason: - To ensure provision of a satisfactory development.