
Appeal Decision

Site visit made on 23 November 2015

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2015

Appeal Ref: APP/X1735/F/14/2227431

Flat 11, Royal Apartments, 31 Sea Front, Hayling Island, Hants PO11 0AD

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs M Macey against a listed building enforcement notice issued by Havant Borough Council.
 - The Council's reference is 13/00173/CMP.
 - The notice was issued on 11 September 2014.
 - The contravention of listed building control alleged in the notice is the installation of 5 upvc double glazed sash windows to the southern elevation at second floor level and the installation of 3 upvc double glazed windows to the western second floor level.
 - The requirements of the notice are 1. the unauthorised windows to be replaced with single glazed, balanced, vertical sliding, two over two pane, putty beaded sash timber windows and 2. the replacement timber windows to be fully operational with hung weights, cords and pulleys and 3. the external window frames of the replacement timber windows to be painted white.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Procedural Matters

1. Neither the appellant nor her agent was at the site visit. The tenant provided access to the flat for myself and council representatives. After the internal inspection, the outside of the building was inspected unaccompanied.

Decision

2. The appeal is dismissed.

Reasons

Ground (e)

3. The appeal building is a grade II listed building, which according to the list description was a former hotel, built around 1825 in painted brick, with stucco features and slate roof over. The symmetrical front, windows and pilaster and projection at the front are identified. A significant feature of the building is the metal framework at the front. I consider that the special architectural and historic interest and significance of the building relates to its age, construction and detailing. While the metal framework at the front is a main feature, the remainder of the windows and their arrangement make a major

contribution to the building's significance, character, appearance and special interest and I consider that the consistency of the windows in the whole building is important.

4. The development plan includes the Havant Borough Local Plan (Core Strategy) [CS]. CS Policy CS11 aims to protect and enhance the special environment and heritage of the borough. It indicates that planning permission will be granted for development that protects and, where appropriate, enhances the borough's statutory heritage designations by managing development in, or adjacent to, listed buildings. CS Policy CS16 aims to achieve high quality design.
5. The windows inserted are a very poor match with the original windows. The frame sections are different, including that the dividing glazing bars of the panes appear very flat and the outer frames of the front windows are much wider than the original. The framing pattern of the side elevation windows is particularly poor, with the kitchen window having a hung casement at low level and the bathroom window having an opening casement at high level. This pattern is reflected in the frames externally, with the upper and lower casement frames appearing a different size. The patina provided by putty glazing and painting is replaced by the mechanical appearance of plastic windows. In my view, the provision of these poorly designed white plastic windows, with their more mechanical and smooth appearance, in part of the elevations, conflicts unacceptably with the remaining windows in the building.
6. The result is that the windows are an incongruous and alien feature within the building. This causes considerable harm to the building and does not represent good design as required by policies. While the windows are on the upper floors of the building, the difference remains plain from the surrounding area at ground level.
7. The council has identified this in terms of the Framework as being 'substantial harm'. However, I consider that much of the significance of the listed building would be retained and the harm should be categorized as 'less than substantial harm'. Nevertheless, the harm is still major and needs to be balanced against any public benefits of the works. The works do not preserve the special architectural and historic interest of the listed building and harm its significance and do not accord with the aims and objectives of CS Policies CS11 and CS16.
8. The appellant identifies that the windows were inefficient and rotten, allowing heat to escape and wind and rain to enter the rooms, exacerbated by the exposed sea front location. This caused damp problems within the building, which were resolved with the window replacement. The replacement windows provide considerable benefits, not least in being more energy efficient. While I appreciate that the replacement windows have addressed these matters and have benefits in terms of energy efficiency, there is no reason why the previous windows could not have been considered for improvement by renovation, draught proofing or secondary glazing. In any case, even if it were necessary to replace the windows, what

has been constructed is so poor that the replacements would still be unacceptable.

9. I also acknowledge that some of the windows were not installed by the appellant. However, while sympathising with this, these are unauthorised replacements and there is no time limitation on requiring rectification of the major harm that their insertion has caused to the listed building.
10. I conclude that the benefits identified do not justify or outweigh the considerable harm caused to the listed building and the appeal on ground (e) fails.

Graham Dudley

Inspector