

Application	(A) 22/02444/FUL (application) (B) 22/00283/UNA_B (enforcement)
Ward:	Milton
Proposal:	Replacement UPVC windows, fascias, render to the ground floor elevation and repainting (retrospective)
Address:	151 Hamlet Court Road Westcliff-on-Sea Essex SS0 7EW
Applicant:	M & A Knightsbridge Properties Ltd
Agent:	Miss Beth Evans of Freeths LLP
Consultation Expiry:	26.01.2023
Expiry Date:	03.03.2023
Case Officer:	Abbie Greenwood
Plan Nos:	010A, 011A
Supporting Documents	Cover Letter (Planning Statement) by Freeths dated 20.12.22 Heritage Impact Assessment by HCUK dated December 2022 Ref. 8731
Recommendation:	(A) REFUSE PLANNING PERMISSION (B) AUTHORISE ENFORCEMENT ACTION



1 Site and Surroundings

- 1.1 The application property is on the west side of Hamlet Court Road at the junction with Anerley Road in Hamlet Court Road Conservation Area which was designated in 2021. It is a three-storey end-terrace property with decorative frontage at the upper floors including pedimented dormers with fretted bargeboards and decorative plaster cartouches (i.e. an ornate frame around a design or inscription), and tripartite (i.e. three part) round headed windows with brick arches and decorative colonettes (i.e. small slender columns). This terrace dates from the early twentieth century and in addition to its conservation area designation it is also a designated Frontage of Townscape Merit. The proposal relates to all floors of this property including the shopfront and one shopfront on the return frontage to Anerley Road at ground level and windows on the floors above which have been altered without planning permission. The building is being used as a public house. The Havens building opposite the site is Grade II listed.
- 1.2 The previous shopfront was constructed of brick and painted red with modern grey painted timber picture windows and a timber boarded fascia. At the upper levels the property had retained its original timber sash windows with curved heads at first floor and timber casement windows in the dormers at second floor. The windows were in a poor condition.
- 1.3 The Hamlet Court Road Conservation Area Appraisal (2021) categorises the building as being a positive contributor but in need of refurbishment. Its description of the property is as follows:
- 'Nos.149-151: Corner unit with inappropriate, overly sized modern wooden boarded fascia. Ground floor rebuilt with garishly painted red bricks and unsympathetic uPVC windows. Original timber framed windows at first floor and attic levels. Brickwork to upper floors unsympathetically painted red. Attractive ceramic street sign and moulded brick chimney seen from Anerley Road. Poor decorative condition.'*
- 1.4 In relation to the extension to the rear along Anerley Road it states that the building *'mirrors some of the first floor design features with arched windows and a mix of red brick and plasterwork. It is, however, bland and the shop fronts on the ground floor are unsympathetic.'*
- 1.5 Hamlet Court Road is a busy and popular shopping street within the heart of Westcliff. It is an important part of the history and development of the town in its Victorian and Edwardian heyday. This section of Hamlet Court Road is designated as Primary Shopping Frontage and is part of a District Centre.

2 The Proposal

- 2.1 The proposal retrospectively seeks planning permission for the following works which have been undertaken without planning permission:
- Replacement UPVC windows,
 - New facias with a shiny black 'plastic' finish,
 - Render to the ground floor elevation, and
 - Repainting of the building (dark blue).
- 2.2 The wooden picture shopfront windows at ground floor have been retained.

3 Relevant Planning History

- 3.1 93/0550 – Install illuminated sign above entrance door – granted.
- 3.2 90/1184 – Erect first floor extension at rear – granted.
- 3.3 87/1236 - Erect first floor extension at rear to form offices – refused.
- 3.4 86/0532 – Convert existing light industrial building into three shop units and one office and install shopfront– granted.
- 3.5 85/0282 – Erect enclosed staircase onto Anerley Road elevation – refused.

4 Representation Summary

Public Consultation

- 4.1 37 neighbouring properties were consulted, a site notice displayed and a press notice published. 1 letter of representation has been received raising the following summarised issues:
 - The dismissed appeal for replacement upvc windows opposite at 148-150 Hamlet Court Road is not relevant as this was unfairly decided as the applicant did not have a chance to submit a heritage statement.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, other than as reflected in the last section of this report, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2021) and National Design Guide (updated 2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and Effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.5 Hamlet Court Road Conservation Area Appraisal (2021)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations for this application are the principle of the development, the design including the impact of the development on the character and appearance of the conservation area and CIL. As the development relates to the exterior materials and

decoration of the building only and there are no changes of use, extensions or new openings it is considered that the development has no material impacts on residential amenity, parking, traffic or highway safety.

- 6.2 The recent appeal decision (reference APP/D1590/W/21/3273638) for the retention of unauthorised UPVC windows at 148-150 Hamlet Court Road opposite this site from 2021 is also a material consideration in the determination of this application and is discussed below.

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations to properties including within conservation areas where such alterations respect the existing historic character of the buildings and preserve or enhance the character and appearance of the wider conservation area. The development is not seeking a change of use so will not impact on the vitality of the shopping parade. The principle of the development is therefore considered acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Conservation Area and other Heritage Assets

- 7.2 Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 state that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and in determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.3 Paragraph 126 of the NPPF states *‘the creation of high quality, sustainable and beautiful buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.4 Paragraph 195 of the NPPF states *‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...’*
- 7.5 Paragraph 196 of the NPPF states *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*
- 7.6 Policy KP2 of the Core Strategy advocates the need for all new development to *‘respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.’* Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural*

and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.'

- 7.7 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.8 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including conservation areas. In respect of Frontages of Townscape Merit it states:

'4. Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and associated signage to ensure that their design and materials are appropriate to the historic character of the building.'

Alterations to the shopfront including fascia

- 7.9 The previous shopfront was not original to the building and had no heritage interest however it did utilise traditional materials including brick, timber windows and a timber fascia. It was also installed at a time when the Hamlet Court Road Conservation Area did not exist such that there were no specific or strong controls available, beyond the frontage of townscape merit plus routine planning policies and guidance, to control the visual impact of development or its effect on character. The application retrospectively seeks planning permission to retain the alterations to the appearance of the shopfront including the rendering of the brick work and the installation of new fascia materials. The previous timber windows have been retained.
- 7.10 The replacement fascia which has been installed has a high -sheen, plastic finish.
- 7.11 In relation to the most appropriate designs for fascias, the Hamlet Court Road Conservation Area Appraisal states:
'Signs should be timber, with a frame around them and letting should preferably be hand-painted. Paints used should usually be low-sheen to avoid an unnecessary plastic appearance.'
- 7.12 It is considered that this alteration causes harm to the character of the historic building, the frontage of townscape merit and the wider conservation area and is unacceptable. The development has also caused harm to the setting of the Grade II Listed Havens building opposite the site. Whilst this harm is less than substantial it is not outweighed by any public benefits.
- 7.13 The rendering of the brickwork is considered to have a neutral impact on the character of the building and the conservation area and is considered to be acceptable.

Alterations to the windows

- 7.14 The former timber sash and casement windows at the property on the main east and north

elevations at first and second floor facing Hamlet Court Road and Anerley Road have been replaced with UPVC casement windows. These fit within the existing openings, including the curved heads of the windows at first floor, but have introduced a modern material and opening mechanism with heavy and unbalanced frames.

7.15 An appeal decision at 148-150 Hamlet Court Road (LPA reference 20/01409/FUL, PINS reference APP/D1590/W/21/3273638), also for the retention of unauthorised UPVC windows similar to those which have been installed at the application site without planning permission is a material consideration for this application and carries significant weight in its determination. A copy of the appeal decision is at Appendix 1. The key paragraphs are:

'7. The Hamlet Court Road Conservation Area Appraisal (CAA) notes that three storey buildings, such as the appeal site, were often built in groups with the same design and feature decorative elements. It notes that much of the historic character of these buildings are intact despite later changes and that the restoration of features could enhance the appearance of the buildings and area as a whole. The appeal site still retains a number of those decorative features which contribute the character of the Conservation Area.

8. Paragraph 6.1 of the CAA sets out the Conservation Vision which seeks to provide opportunities to enhance its special historic and architectural interest. At paragraph 6.2.3 it states that the aim is for buildings to be in good condition, with inappropriate alterations reversed and traditional materials and details used for features such as windows.

9. The CAA also sets out that where original or historic timber windows remain these should be replaced like for like with timber frames if they have come to the end of their usable life. If existing windows have been replaced with uPVC then any replacement uPVC would need to be of the correct opening type for the building.

10. 148-150 Hamlet Court Road is noted as one of seven frontages which are designated as Frontages of Townscape Merit, which are those historic frontages which contribute to the quality of the local townscape through their architectural character. The CAA also notes that the building makes a positive contribution to the Conservation Area but needs significant improvement or restoration. The CAA notes that unsympathetic top hung uPVC windows have been installed.

11. The appeal proposal seeks to regularise the replacement of the existing sash windows with double glazed uPVC units. A building's fenestration is an important component in defining its visual and architectural character. The proposal results in the loss of the original windows which contributed to the significance of the Conservation Area.

12. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the other traditional windows which remain within the Conservation Area.

13. As a result, the replacement windows alter the appearance of the existing building and detract from the quality of the original detailing which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.

15. *In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.*

16. *Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal and acoustic efficiency provided by double glazing, the condition of the existing windows and the prevalence of uPVC windows in the vicinity. They have also outlined a number of other improvements that have been made to the building as part of refurbishment works. However, I do not consider that these benefits are sufficient to outweigh the harm.*

17. *I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Hamlet Court Road Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.*

18. *It would also be in conflict with policies DM1 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.*

21. *For the reasons given above I conclude that the appeal should be dismissed.'*

7.16 For similar reasons, in particular the use of UPVC in place of traditional timber, the heavy frames, the change in opening arrangement and the generally poor and inappropriate detailing of the windows, it is considered that the new windows by reason of their design and UPVC materials cause harm to the character of the existing building, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and also the setting of the nearby Grade II listed Havens building. Whilst it is acknowledged that the previous timber windows were in a poor condition and in need of renovation, this does not justify the harmful impact of the UPVC windows. This aspect of the proposal is therefore unacceptable.

Other alterations to the building

7.17 The building was previously painted red brick similar to the rest of the terrace, a change which pre-dated the Conservation Area designation. The building has now been painted dark blue. This has taken it further out of step with the rest of the terrace, which is a consistent terracotta colour on all remaining buildings, however this is a reversible alteration and on its own merits is considered to have smartened up the building. Appropriately sensitive colouration can, as here, add interest. Overall, this change is considered to have had an acceptable impact on the building, the streetscene and wider conservation area.

7.18 Overall therefore, whilst the painting works and rendering of the shopfront are considered acceptable, the materials for the fascia and the installation of UPVC windows have both caused harm to the historic character of the existing building, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and to the setting of

the nearby grade II listed Havens building. This collective harm is considered less than substantial but significant in degree. The investment which has taken place in the premises, with the change in business plus the attempt to tidy up and secure the exterior may be considered to be public benefits. Even if that is the case, such public benefits would not outweigh the identified harm. Having completed this assessment in line with conservation policy and guidance, the proposal is unacceptable and contrary to policy in this regard and the application is recommended for refusal on this basis.

Community Infrastructure Levy (CIL)

- 7.19 The proposal creates no new floorspace. The development therefore benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 7.20 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

8 Summary of planning application

- 8.1 For the reasons outlined above, the development is found to be unacceptable and contrary to the relevant planning policies and guidance and the Council's Statutory duty to preserve or enhance the character of the existing building, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and the setting of the nearby Grade II listed Havens building. This identified harm, which is confined to the unauthorised upvc windows and fascia, is not outweighed by public benefits. It is therefore recommended that planning permission is refused.

9 Request to Authorise Enforcement Action

- 9.1 Given the nature and harmful impact of the breaches related to the unauthorised upvc windows and fascia, as assessed above, it is considered necessary, proportionate and justified in the circumstances of this case to seek authority for an enforcement notice to be served in respect of that unauthorised operational development as this will bring focus to the need for the breach to be regularised. Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 9.2 Enforcement notices cannot reasonably require the insertion of a particular type of window or fascia. This is for the applicant to decide and apply for, as required. If in complying with the enforcement notice, the building is left in a condition that negatively affects the visual amenity of the area, the LPA has powers to take action under Section 215 of the Act to remedy that situation.

- 9.3 The authorised enforcement action to include (if/as necessary) the service of Enforcement Notices under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 9.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.
- 9.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

10 Recommendation

(A) REFUSE PLANNING PERMISSION for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows at first and second floor level on the east and north elevations, and the replacement fascia to the shopfront on the east and north elevations has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and harm the setting of the Grade II listed Havens building opposite the site. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Hamlet Court Road Conservation Area Appraisal (2021).

(B) Members are recommended to AUTHORISE ENFORCEMENT ACTION to:

- a) Remove the unauthorised UPVC windows from the east and north elevations at first and second floor.**
- b) Remove the unauthorised fascia from the building's east and north elevations.**
- c) Remove from site all materials resulting from compliance with a) and b) above.**

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informatives

01 You are advised that as the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02 The applicant is reminded that planning permission will be required for replacement windows and a replacement fascia following the removal of the unauthorised upvc windows and fascia subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that the replacement windows closely replicate the original timber sash windows which were removed at the site but can still be seen on adjacent properties. The replacement fascia should be painted timber and follow the shopfront advice set out in the Hamlet Court Road Conservation Area Appraisal (2021).

Appeal Decision

Site Visit made on 28 September 2021

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D1590/W/21/3273638

PC House, 148-150, Hamlet Court Road, Westcliff on Sea, SS0 7LN

- 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 Simon Rush against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01409/FUL, dated 27 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is replacement of windows to the first, second and third floors of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The windows are already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my decision.
3. Since the Council made their decision Hamlet Court Road was designated as a Conservation Area on 9 September 2021 and under Regulations 5 and 5A of the Planning (Listed Buildings and Conservation Area) Regulations 1990 the Council publicised the planning application as affecting the character or appearance of a Conservation Area on 11 November 2021.
4. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

5. The main issue is whether the development would preserve or enhance the character or appearance of the Hamlet Court Road Conservation Area.

Reasons

6. Hamlet Court Road is located in Westcliff-on-Sea and was developed as a retail hub with residential streets surrounding it. 148-150 Hamlet Court Road is an early twentieth century brick building of three storeys with two storeys to the rear.
7. The Hamlet Court Road Conservation Area Appraisal (CAA) notes that three storey buildings, such as the appeal site, were often built in groups with the same design and feature decorative elements. It notes that much of the

historic character of these buildings are intact despite later changes and that the restoration of features could enhance the appearance of the buildings and area as a whole. The appeal site still retains a number of those decorative features which contribute the character of the Conservation Area.

8. Paragraph 6.1 of the CAA sets out the Conservation Vision which seeks to provide opportunities to enhance its special historic and architectural interest. At paragraph 6.2.3 it states that the aim is for buildings to be in good condition, with inappropriate alterations reversed and traditional materials and details used for features such as windows.
9. The CAA also sets out that where original or historic timber windows remain these should be replaced like for like with timber frames if they have come to the end of their usable life. If existing windows have been replaced with uPVC then any replacement uPVC would need to be of the correct opening type for the building.
10. 148-150 Hamlet Court Road is noted as one of seven frontages which are designated as Frontages of Townscape Merit, which are those historic frontages which contribute to the quality of the local townscape through their architectural character. The CAA also notes that the building makes a positive contribution to the Conservation Area but needs significant improvement or restoration. The CAA notes that unsympathetic top hung uPVC windows have been installed.
11. The appeal proposal seeks to regularise the replacement of the existing sash windows with double glazed uPVC units. A building's fenestration is an important component in defining its visual and architectural character. The proposal results in the loss of the original windows which contributed to the significance of the Conservation Area.
12. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the other traditional windows which remain within the Conservation Area.
13. As a result, the replacement windows alter the appearance of the existing building and detract from the quality of the original detailing which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.
14. I have considered the other examples that have been drawn to my attention in Hamlet Court Road. However, the circumstances that lead to those windows being considered acceptable may not be directly comparable to the appeal site and having regard to the recent date of designation for the Conservation Area are likely to have taken place before this time. Furthermore, the examples within Hamlet Court Road add to my concern about the incremental harm which arises from the replacement of the original features. Therefore, I have not been able to come to the same conclusion with regard to the proposed uPVC windows subject to this appeal.

15. In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
16. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal and acoustic efficiency provided by double glazing, the condition of the existing windows and the prevalence of uPVC windows in the vicinity. They have also outlined a number of other improvements that have been made to the building as part of refurbishment works. However, I do not consider that these benefits are sufficient to outweigh the harm.
17. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Hamlet Court Road Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.
18. It would also be in conflict with policies DM1 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.

Other matters

19. There is also reference to the conduct and advice of the Council and its officers during the planning application process and the process for the designation of the Conservation Area. However, these are not matters for my deliberation in the context of a planning appeal.
20. I have noted the comments made that it was not the intention of the appellant to undertake works which required planning permission and that the works were undertaken when the site was not within a Conservation Area. However, I must have regard to the current policy position, including the designation of the Conservation Area in coming to my decision.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR