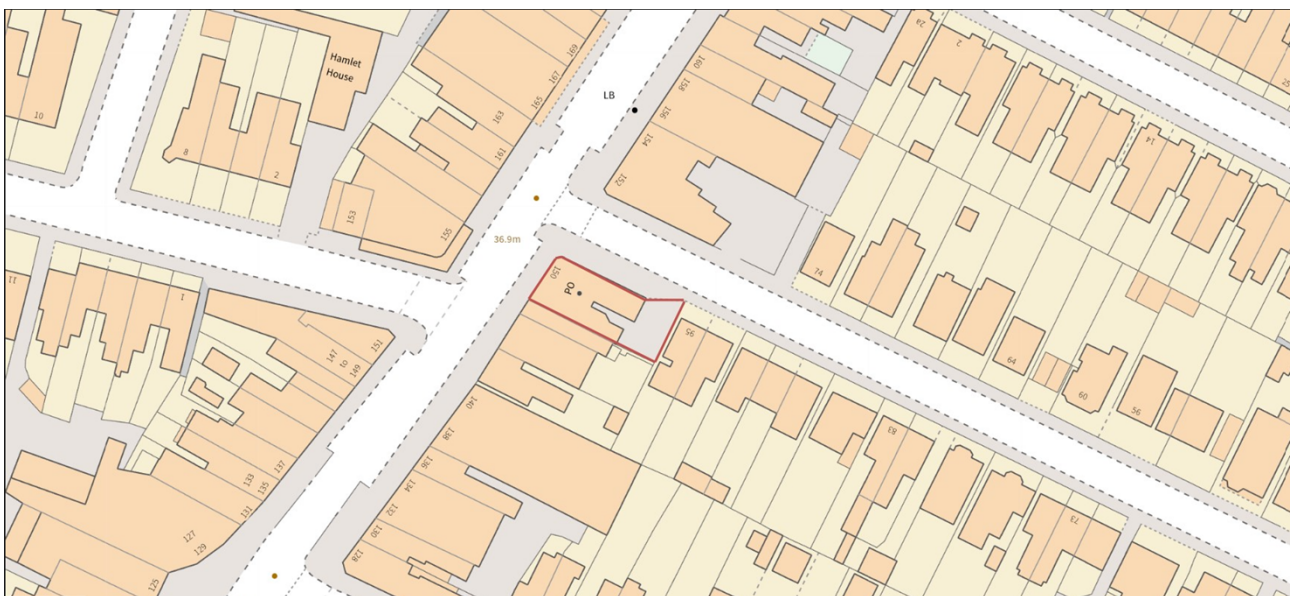


Reference:	(A) 23/00244/FUL (B) 20/00189/UNAU_B	
Report Type:	(A) Full Application / (B) Enforcement	
Ward:	Milton	
Proposal:	Replace existing uPVC top hung casement windows with Rehau Heritage Slider Sash windows to front and side, enlarge ground floor rear window and install uPVC top hung casement window	
Address:	148 - 150 Hamlet Court Road, Westcliff-on-Sea	
Applicant:	Mr Simon Rush	
Agent:	Mr Matthew Driscoll of MJD Planning Ltd	
Consultation Expiry:	16th March 2023	
Expiry Date:	14th April 2023	
Case Officer:	Kara Elliott	
Plan Nos:	Location Plan, PCHHCR/04a, PCHHCR/05, PCHHCR/06b	
Additional information:	Letter from Mr S Rush dated 8th February 2023, Frontages of townscape merit document, Planning and Heritage statement dated February 2023, Product Brochures (Rehau Heritage)	
Recommendation:	(A) REFUSE PLANNING PERMISSION (B) AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The application site is at the junction of St Johns Road and Hamlet Court Road in a prominent corner location. It contains an early twentieth century brick building of three storeys with two storeys to the rear. The building is symmetrical with six bays facing Hamlet Court Road with the gable-end and two-storey range to St. John's Road. The building has been fitted with unauthorised, uPVC top hung windows.
- 1.2 The application site is located within a Frontage of Townscape Merit, is within the Hamlet Court Road Conservation Area (which was designated in 2021), a Primary Shopping Frontage Area and is in the District Centre of Hamlet Court Road. Within this same street block is the Grade II listed Havens building.
- 1.3 The Hamlet Court Road Conservation Area Appraisal (2021) categorises the building as being a positive contributor but in need of refurbishment.

2 The Proposal

- 2.1 The original timber sash windows were replaced with the unauthorised windows in 2020. The current application follows a previous refusal of planning permission (20/01409/FUL) and subsequent dismissed appeal (see Appendix 1) for the white uPVC casement windows in place on the building. The current application relates to the windows on the first, second and third floors of the building to the front, northern flank and rear. A rear, first floor window is proposed to be enlarged.
- 2.2 This application seeks planning permission to replace the existing unauthorised uPVC top-hung casement windows with sliding-sash, heritage style uPVC windows fitted with double-glazing. Specifically, the windows are "Rehau Heritage Vertical Slider" windows in white. They have a horizontal glazing bar and sash horns.

3 Relevant Planning History

- 3.1 20/01409/FUL - Replace windows to the first, second and third floor (Retrospective) – Refused 23.10.2020, Appeal Dismissed 22.12.2021 (APP/D1590/W/21/3273638) (Attached as Appendix 1).
- 3.2 17/01876/PA3COU - Change of use of first, second and third floors from office use (Class B1a) to one self-contained flat (Class C3) (Prior Approval) – Granted 05.12.2017.
- 3.3 16/00731/ADV - Install reflective ATM collar surround to front elevation – Granted 22.06.2016.
- 3.4 16/00730/FUL - Install ATM to front elevation – Granted 23.06.2016.
- 3.5 15/00042/PA3COU - Change of use of first, second and third floors from office use (Class B1a) to four self-contained flats (Class C3) under Prior Notification of Class J (Town and Country Planning General Permitted Development Order 1995 (As Amended) Class J, Part 3, Schedule 2 – Granted 25.02.2015.

4 Representation Summary

- 4.1 The application has been called in to Development Control Committee at the request of Councillor Sadza.

Milton Society

4.2 Objects. Summary of comments:

- Had previously supported development for new windows (20/01409/FUL) prior to conservation area designation.
- Considers 'Frontages of Townscape Merit' designation to be misleading term.
- Has not had direct dealing with the applicant for this application
- The current proposal is made a long time after conservation area designation and with a management plan in place.
- Whilst the proposed would be an improvement to the existing unauthorised windows and whilst clear that the applicant is trying to improve the situation from the earlier withdrawn 22/02220/FUL application, cannot give support where the local intention should be to see historically correct timber sliding sash windows restored/replaced in a like for like manner.
- The improvement in design does not overcome the harm from using uPVC windows.
- There are very good sustainability arguments for using renewable timber for windows as opposed to carbon heavy uPVC.
- Refers the applicant to the World Wildlife Fund evidence on window sustainability here: https://www.wwf.org.uk/sites/default/files/2017-06/windows_0305.pdf
- Would not support enforcement action as cannot accept that this would be in the public interest.

Design and Heritage Officer

4.3 Objects. The product is better than previous [application ref 20/01409/FUL] but replacing timber with uPVC is unacceptable and causes harm to the Conservation Area.

Public Consultation

4.4 36 neighbouring properties were consulted, a site notice displayed and a press notice published. No letters of representation were received.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2021) and National Design Guide (updated 2021) 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).

5.2 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)

5.3 The Southend-on-Sea Design and Townscape Guide (2009)

5.4 Hamlet Court Road Conservation Area Appraisal (2021)

5.5 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 on the character and appearance of the building, the streetscene and heritage assets including the wider conservation area, frontage of townscape merit and the listed Havens building, CIL and whether the proposal overcomes the reason for refusal of the refused 2020 planning application and dismissed 2021 appeal to which significant weight is given within this assessment. As the development relates to the exterior materials and decoration of the building only and there are no changes of use or extensions and only modest enlargement of an existing opening it is considered that the development has no material impacts on residential amenity, parking, traffic or highway safety. A first-floor rear window is proposed to be replaced with a larger window, but it is not considered to be materially different to the existing situation in respect of any residential amenity impacts.

7 Appraisal

Principle of Development

- 7.1 Planning 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 and any other heritage assets. 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, beautiful and sustainable 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 202 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...'*
- 7.5 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.'*

- 7.6 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.
- 7.7 The building subject of the application is within a designated Frontage of Townscape Merit. The pre-amble to Policy DM5 confirms that Frontages of Townscape Merit do not have the statutory protection afforded to listed buildings but nonetheless make an important contribution to Southend's historic character and distinctiveness and consequently need to be conserved. A building's Frontage of Townscape Merit status, being a non-designated heritage asset, is a material consideration for all related planning applications. Alterations and additions should be carried out in a sympathetic manner. Development proposals that affect a designated frontage should ensure that their architectural character is complemented by appropriately designed replacement shopfronts, fascias, signage, materials and other alterations that respect their form and function. As the building has a dual-frontage, the Frontage of Townscape Merit applies to the front and side elevations of this corner building.
- 7.8 The application property is in a prominent corner location and the former timber sash windows, whilst stated by the applicant to have been in a poor state of repair, were an essential contributing feature to the historic fabric of the building and contributed to the historic character and appearance of the frontage of townscape merit.
- 7.9 There is a noticeable difference between the historic and the installed and proposed modern frames in terms of material and design, especially when viewed in the context of the wider streetscene with its generally high retention of original features.
- 7.10 There has been a refusal of planning permission with a later dismissed appeal (reference 20/01409/FUL, PINS reference APP/D1590/W/21/3273638) for the unauthorised, white uPVC, double-glazed units currently in situ. The key paragraphs from the Inspector's appeal decision 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.'*

7.11 The proposed heritage style windows have a better appearance if solely compared to the unauthorised casement windows in the building currently, in that they attempt to replicate traditional sash windows. However, the windows in situ are unauthorised. It has been established through the 2021 appeal decision that the use of uPVC in place of traditional timber is unacceptable in the circumstances of this site and appeal decision paragraph 12 infers that this applies to the conservation area more widely in that UPVC "is discernibly

different in both materials and character to the other traditional windows which remain within the Conservation Area". The Committee will be aware that at its March 2023 meeting a similar line was taken in respect of unauthorised UPVC windows diagonally opposite this site at No 151 Hamlet Court Road (ref 22/02444/FUL & 22/00283/UNA_B). That decision also concluded that the development resulted in significant harm to the setting of the nearby Grade II listed Havens building at No 140 Hamlet Court Road. Considering that the Grade II Listed Havens building is on the same side of Hamlet Court Road, some 20m away from and within the same street block as the application site, it is relevant that this factor should be given due weight in the assessment of the current application.

- 7.12 It is considered that the proposed windows would by reason of their uPVC material, dimensions and the use of double-glazing cause harm to the character of the existing building, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and, within longer views north and southward in Hamlet Court Road, to the setting of the Grade II listed Havens building.
- 7.13 In the 2021 appeal the Inspector found that, *"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."* Similarly, in the supporting documentation for this current application, the applicant has referred to other improvements that could be made to the building i.e. removing modern exterior elements such as alarm systems, roller shutter casing and aerials. These potential improvements are noted but there is no mechanism in place to secure those and in any event they are not considered to outweigh the harm identified.
- 7.14 Therefore, the installation of uPVC windows due to their modern material, design and use of double-glazing would harm the historic character of the 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 collective harm to the designated heritage assets (i.e. the Conservation Area and the Havens listed building) is considered to be less than substantial but significant in degree. There are no public benefits which would outweigh the identified harm, including the upgraded physical condition of the proposed windows compared with the stated condition of the former windows.
- 7.15 The proposal is therefore unacceptable and contrary to policy in this regard and the application is recommended for refusal on this basis.

Community Infrastructure Levy (CIL)

- 7.16 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

- 7.17 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 Conclusion of Planning Application

- 8.1 For the reasons outlined above, the proposal is found to be unacceptable and contrary to the relevant planning policies and guidance and the Council's statutory duty to seek to preserve or enhance the character of the existing building, the streetscene, the wider Hamlet Court Road Conservation Area and the setting of the nearby Grade II Listed Havens building. The identified harm to the designated heritage assets is not outweighed by public benefits. It is therefore recommended that planning permission is refused.

9 Enforcement Action

- 9.1 Given the nature and harmful impact of the breach related to the unauthorised uPVC windows currently in position at the site, as verified through refusal of the retrospective 2020 planning application and dismissed 2021 appeal, 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. 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 nine (9) months is considered reasonable for the removal of the unauthorised windows and obtaining planning permission for acceptable replacement windows.
- 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

10.1 Members are recommended to:

(A) REFUSE PLANNING PERMISSION for the following reason:

01 The proposed replacement windows, by virtue of their modern material (uPVC),

dimensions and the use of double-glazed units are considered to be 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 at No 140 Hamlet Court Road. Whilst the harm to the designated heritage assets 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).

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 via the pre-application service available at: <https://www.southend.gov.uk/make-planning-application-planning-advice/planning-advice-guidance/2>

Informatives

1 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.

2 The applicant is reminded that planning permission will be required for replacement windows following the removal of the unauthorised fenestration 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 replacement windows closely replicate the original timber sash windows which were removed at the site.

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

- a) Remove the unauthorised uPVC windows from the west (front), east (rear) and north (flank) elevations at first and second floor.
- b) Remove from site all materials resulting from compliance with a) 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 nine (9) months

is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows.

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.
-

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