

# PLANNING COMMITTEE

## AGENDA



**Wednesday 28<sup>th</sup> July 2021**

**at 10.00am**

**in the Council Chamber,  
Civic Centre, Hartlepool.**

**A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 27<sup>th</sup> July and name and address details will be taken for NHS Test and Trace purposes.**

### **MEMBERS OF PLANNING COMMITTEE:**

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, B Loynes, D Loynes, Stokell and Young.

#### **1. APOLOGIES FOR ABSENCE**

#### **2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

#### **3. MINUTES**

3.1 To confirm the minutes of the meeting held on 23<sup>rd</sup> June 2021

3.2 To confirm the minutes of the meeting held on 14<sup>th</sup> July 2021 (*to follow*)

#### **4. ITEMS REQUIRING DECISION**

##### **4.1 Planning Applications – Assistant Director (Place Management)**

1. H/2021/0143 1 Albion Terrace (page 1)
2. H/2021/0241 89 Hutton Avenue (page 13)
3. H/2021/0164 1 Grassholme Road (page 23)

### **CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE**

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

**5. ITEMS FOR INFORMATION**

- 5.1 Appeal at land adjacent to Training and Enterprise Centre, Lynn Street –  
*Assistant Director - Place Management*
- 5.2 Appeal at 9 Rowell Street - *Assistant Director - Place Management*
- 5.3 Update on Current Complaints - *Assistant Director - Place Management*

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**7. FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 25<sup>th</sup> August 2021.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**23<sup>rd</sup> June 2021**

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott,  
Tim Fleming, Brenda Harrison, Brenda Loynes, Denis Loynes  
and Cameron Stokell

Also Present: Councillor John Riddle

Officers: Jim Ferguson, Planning and Development Manager  
Kieran Bostock, Assistant Director (Place Management)  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Daniel James, Planning (DC) Team Leader  
Zoe Craig, Senior Environmental Health Officer  
Robin Daniels, Archaeology Officer  
Scott Parkes, Engineering Team Leader (Environmental)  
Alex Strickland, Legal Representative  
Jo Stubbs, Democratic Services Officer

### **1. Apologies for Absence**

Apologies were submitted by Councillor Sue Little.

### **2. Declarations of interest by members**

Councillor Tim Fleming declared an interest in item H/2020/0376  
(36 Butterstone Avenue) as it was located in his ward.

Councillor Denis Loynes declared an interest in item H/2020/0379  
(58 Grange Road) as it was located in his ward.

Councillor Brenda Harrison declared an interest in item H/2020/0376  
(36 Butterstone Avenue) due to her membership on Children's Services  
Committee

Councillor Moss Boddy declared an interest in item H/2020/0376

(36 Butterstone Avenue) due to his membership on Children's Services Committee

Councillor Tim Fleming declared an interest in item H/2020/0376 (36 Butterstone Avenue) due to his membership on Children's Services Committee

### **3. Confirmation of the minutes of the meeting held on 14<sup>th</sup> April 2021**

Minutes approved

### **4. Planning Applications** *(Director of Regeneration and Neighbourhoods)*

|                       |  |
|-----------------------|--|
| <b>Number:</b>        | H/2017/0054  |
| <b>Applicant:</b>     | Mr M Dickinson Oswald House Hartlepool   |
| <b>Agent:</b>         | JT Planning Mr Jon Tweddell Coble Quay Amble Morpeth Northumberland  |
| <b>Date received:</b> | 07/02/2017   |
| <b>Development:</b>   | Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse (Amended Plans and Information) |
| <b>Location:</b>      | SOUTHBROOKE FARM SUMMERHILL LANE<br>HARTLEPOOL   |
| <b>Decision:</b>      | <b>Withdrawn from the agenda.</b>  |

---

|                       |  |
|-----------------------|--|
| <b>Number:</b>        | H/2020/0376  |
| <b>Applicant:</b>     | MRS S SMITHSON BUTTERSTONE AVENUE<br>HARTLEPOOL  |
| <b>Agent:</b>         | CMF PLANNING AND DESIGN LTD MR<br>CHRISTOPHER FISH OLD WEST END GARAGE<br>BOWES BARNARD CASTLE |
| <b>Date received:</b> | 08/12/2020   |

**Development:** Erection of outbuilding and alterations to existing rear boundary/provision of door openings (retrospective) and proposed installation of first floor balcony extension to the rear

**Location:** 36 BUTTERSTONE AVENUE HARTLEPOOL

A member referred to the objections which had been submitted and questioned how much weight should be attributed to them. The Planning (DC) Team Leader advised that a number of anonymous objections had been received but under delegation rules any more than 2 objections meant the application had to come before committee. He suggested that anonymous objections without reference to material planning considerations should be given less weight and noted that 1 objection had been disputed by the person who had allegedly made it. He was unable to confirm how many of the objections had come from neighbours stating that there was no requirement for a person to live close to a property to raise an objection.

A member referred to a number of contradictory statement within the report in terms of the acceptability of some elements but unacceptability of others. The Planning (DC) Team Leader confirmed that while some aspects such as the design of the balcony would be acceptable as a whole the application was considered unacceptable by officers. In terms of the balcony the design was felt acceptable but in terms of amenity and privacy it was not felt to be acceptable.

The applicant was present and addressed members. He advised that he had been unaware that the outbuilding breached planning regulations and confirmed that he had consulted his neighbours' regards any impact it might have on them. He gave information of a number of positive aspects that the outbuilding and balcony would provide.

A member suggested that concerns around a lack of privacy for neighbours could be alleviated by installing frosted glass on the balcony. The Chair confirmed this was already part of the design.

Members voted to approve the application by a majority. The reasons given for departing from the officer recommendation were that members did not feel the application would have adverse impacts upon visual amenities and that it would be harmonious with the general design of the area. The application was approved by a majority.

**Decision:** **Planning Permission Approved with conditions delegated to to the Planning and Development Manager in consultation with the Chair of Planning Committee.**

The Committee considered representations in relation to this matter.

---

---

|                       |  |
|-----------------------|--|
| <b>Number:</b>        | H/2020/0384  |
| <b>Applicant:</b>     | MR AND MRS JENKINS FRONT STREET HART<br>HARTLEPOOL   |
| <b>Agent:</b>         | HEDLEY PLANNING SERVICES STEPHEN<br>LITHERLAND 3B EVOLUTION WYNYARD<br>BUSINESS PARK WYNYARD                           |
| <b>Date received:</b> | 04/03/2021   |
| <b>Development:</b>   | Erection of a dormer bungalow, garage and<br>associated external works, including removal of<br>existing stable block. |
| <b>Location:</b>      | KIRKEFIELDS STABLE SITE, LAND ADJACENT<br>TO MILBANK CLOSE MILBANK CLOSE HART<br>HARTLEPOOL                            |

A member queried whether it would be possible to legally ensure that no more dwellings can be built on this site. The Planning (DC) Team Leader advised that members should consider only the application before them. Should another application come forward it would then be considered at that time. He also noted that the site benefited from planning permission for 1 dwelling. A member asked whether a S106 agreement could be signed to restrict further housing on the site beyond what was before members. The Legal Advisor advised that any further increase in housing numbers was not before members. He also noted that a S106 could only be considered if it was necessary to make the current application acceptable in planning terms and he did not consider this was the case.

A member referred to the comments made by the Rural Planning Group around planning limits and the fact that the previous decision had been made against officer recommendations. The Legal Advisor confirmed that as planning permission had previously been granted this gave the applicant a fall-back position.

A member queried whether the building regulations had been approved. The Planning (DC) Team Leader indicated this was a separate process and there was no obligation for them to have been submitted yet.

The agent was present to answer member questions. There were none.

Members approved the application by a majority.

**Decision: Planning Permission Approved.**

## **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;  
TCP\_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS\_AIA Kirkefield Stables V1), received by the Local Planning Authority on the 26th October 2020;  
and  
RES781-BHA-XX-ZZ-DR-A-0501 Rev PO3 (Location Plan),  
RES781-BHA-XX-ZZ-DR-A-1205 Rev PO4 (Proposed Site Plan),  
RES781-BHA-XX-ZZ-DR-A-1410 Rev PO1 (Proposed Site Boundary Treatments); and  
RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021; and  
RES781-BHA-XX-ZZ-DR-A-1501 Rev P10 (Proposed Building Plans),  
RES781-BHA-XX-ZZ-DR-A-1601 Rev PO8 (Proposed Building Elevations),  
received by the Local Planning Authority on the 7th June 2021.  
For the avoidance of doubt.
3. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information, development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF.
5. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has

been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. The agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

7. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting TCP\_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS\_AIA Kirkefield Stables V1), both date received by the Local Planning Authority on the 26th October 2020, unless a variation to the scheme is agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in



writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the trees, hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

8. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure any site contamination is satisfactorily addressed.
9. Notwithstanding the submitted details, and prior to commencement of works above ground level on site, a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be in accordance with the following plans and details; TCP\_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS\_AIA Kirkefield Stables V1), received by the Local Planning Authority on the 26th October 2020 and RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021 including full details of the hedge gapping up (as detailed in paragraphs 5.9 and 5.10 of the submitted Planning Statement, date received by the Local Planning Authority 26th October 2020) unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be

carried out in the first planting season following the occupation of the dwelling or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 170 of the NPPF.

10. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. The scheme shall be in general conformity with plan RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwelling.  
In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
11. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. The scheme shall be in general conformity with plan RES781-BHA-XX-ZZ-DR-A-1410 Rev PO1 (Proposed Site Boundary Treatments), received by the Local Planning Authority on the 17th February 2021, including the provision of a 1.8m high acoustic fence along the southern boundary. Thereafter the development shall be carried out in accordance with the approved details and prior to the occupation of the dwelling.  
In the interests of visual amenity.
12. Prior to above ground construction of the development hereby approved, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

13. Notwithstanding the submitted information and prior to the commencement of works above ground level on site, full details of a minimum of 1no. Sparrow Terrace Nesting box to be installed on the dwelling hereby approved, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bird features have been installed. The Sparrow Terrace Nesting box shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.  
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
14. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In order to avoid harm to birds.
15. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed.  
In the interests of highway safety and to ensure a satisfactory form of development.
16. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling and detached garage hereby approved shall not be converted or extended, in any way, and no garage (other than hereby approved) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of visual amenity.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (other than those agreed by condition 11), shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

18. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.

To control the development.

19. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

20. The 1no. dwelling hereby approved shall be used as a C3 dwellinghouse and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

The Committee considered representations in relation to this matter.

---

|                       |   |
|-----------------------|---|
| <b>Number:</b>        | H/2020/0379   |
| <b>Applicant:</b>     | MR TARIQ ZIA GRANGE ROAD HARTLEPOOL   |
| <b>Agent:</b>         | MR TARIQ ZIA 58 GRANGE ROAD<br>HARTLEPOOL   |
| <b>Date received:</b> | 22/03/2021  |
| <b>Development:</b>   | Part retrospective application for painting of front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and |

proposed replacement of timber ground floor bay window with uPVC bay window.

**Location:** 58 GRANGE ROAD HARTLEPOOL

Members noted that uPVC was not deemed unacceptable by the Council in accordance with the windows policy. The Planning and Development Manager advised that the window policy was now out of date. The current local plan and NPPF supported the use of traditional materials. In any case the current proposal was contrary to the windows policy in terms of the design and opening mechanism. I. The Coast, Countryside and Heritage Manager confirmed this and noted that the painting of properties in conservation areas would not generally be supported no matter what the colour. The Planning and Development Manager advised that there were plans to bring forward an updated policy relating to conservation areas while the Planning (DC) Team Leader commented that the policy was about retention and enhancement of conservation areas and other unauthorised developments in an area did not mean members should approve this retrospective application.

Members expressed concerns around the cost to replace windows in an appropriate manner in conservation areas. However others noted that this was the price for living in a conservation area and questioned why they would move there if they were not prepared to abide by the rules. They felt that to approve this retrospective application would be an insult to residents in other conservation areas that had abided by the rules. They also felt that uPVC was not the issue here, rather the incorrect opening mechanism style of the new windows.

Members refused the application by a majority.

**Decision:** Planning Permission Refused

## **REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority, the retrospective painting of the front elevation of the property, replacement/installation of 4no. upper floor windows in the front elevation, and proposed replacement of 1no. ground floor bay window to the front elevation of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190,

192, 193, 196 and 200 of the National Planning Policy Framework 2019.

2. In the opinion of the Local Planning Authority, the erection of a 'privacy screen' fence to the front of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design, scale and siting. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is further considered that the proposed screen fence would result in a potential adverse impact on the amenity of occupants of neighbouring properties at Nos. 56 and 60 Grange Road in terms of overshadowing, overbearing impression and poor outlook. As such it is considered that the development is contrary to policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 of the NPPF 2019.

## **5. Appeal at Hartlepool College of Further Education** *(Assistant Director – Place Management)*

Members were advised that an appeal against the refusal of advertisement consent for an advertisement display at the College had been dismissed, A copy of the decision letter was appended for members' information.

### **Decision**

That the outcome of the appeal be noted.

## **6. Appeal at land adjacent to Lynn Street** *(Assistant Director – Place Management)*

Members were advised that an appeal had been submitted against the Council's decision to refuse an application to install a 20 metre phone mast with a wraparound cabinet at the base and associated ancillary works on land adjacent to Lynn Street.

A member queried whether there were other applications for phone masts in Hartlepool pending. The Planning (DC) Team Leader advised that all phone mast applications submitted so far had been refused as planning officers felt they were inappropriate. Officers had encouraged the applicant to enter into pre-application discussions without success and under current planning

legislation applications were automatically approved if a decision was not made within 57 days of receipt.

### **Decision**

That the report be noted

## **7. Update on Current Complaints** *(Assistant Director (Place Management))*

Members were given details of 36 complaints currently under investigation and 21 which had been completed. With respect to a complaint against the installation of uPVC windows (an application for which had previously been before members and deferred) and the change of use to residential at a former shop in Woodbine Terrace members were informed that an application for a lawful development certificate had subsequently been received and issued confirming the use of the property as a dwellinghouse was lawful. In light of this the changes to the windows were permitted development. The applicant had subsequently withdrawn their application to install uPVC windows.

### **Decision**

That the report be noted

## **8. Local Government (Access to Information) (Variation Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 9 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Minute 10 - (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be

maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

- 9. Enforcement Notice** (*Assistant Director (Place Management)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Members were asked to consider enforcement action. Details are contained in the closed minutes.

**Decision**

Detailed in the closed minutes

- 10. Enforcement Notice** (*Assistant Director (Place Management)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Members were asked to consider enforcement action. Details are contained in the closed minutes.

**Decision**

Detailed in the closed minutes

The meeting concluded at 11.35am

CHAIR



**No:** 1.  
**Number:** H/2021/0143  
**Applicant:** MR JAMES WILLSON ALBION TERRACE  
HARTLEPOOL TS24 0QL  
**Agent:** MR JAMES WILLSON 1 ALBION TERRACE  
HARTLEPOOL TS24 0QL  
**Date valid:** 04/05/2021  
**Development:** Listed Building Consent for the replacement of 6no. single glazed timber windows at the rear and single storey off-shoot extension to the rear with 6no. rising sash UPVC double glazed windows  
**Location:** 1 ALBION TERRACE HARTLEPOOL

---

## PURPOSE OF REPORT

1.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

## PROPOSAL

1.2 The application seeks listed building consent for the replacement of 5no. single glazed timber casement windows on the main rear elevation of the property with 5no. uPVC sliding sash double glazed windows, and the replacement of 1no. single glazed timber casement window in the western side elevation of the single storey off-shoot extension with a uPVC sliding sash double glazed window, at No 1 Albion Terrace. The replacements would be of the same dimensions as the existing, albeit replacing the existing timber casement style of windows with sliding sash windows.

1.3 During the course of the consideration of the application, owing to concerns expressed by the Council's Heritage and Countryside Manager that the proposed replacement windows would result in a less than substantial harm on the character and appearance of the Listed Building and Headland Conservation Area (set out in detail below), the case officer sought amendments from the applicant, requesting that the proposed replacement windows comprise timber in material rather than uPVC.

1.4 The applicant has chosen not to amend the application and has decided to continue with the application as submitted in respect of the replacement of timber windows in the rear elevation with uPVC mock sliding sash windows.

1.5 The application has been called in to be determined in the Planning Committee by a local ward councillor, in line with the Council's Scheme of Delegation.

## SITE CONTEXT

1.6 The application site is an end-of terrace three storey dwelling situated on the northern side of Albion Terrace. The host property is a Grade II listed building, situated within the Headland Conservation Area. The host property adjoins No. 2 to the east and to the rear, beyond a back lane, lies No. 25 Marquis Street. Beyond the main highway of Marquis Street to the west lies No. 1 York Place (west) and No. 20 Marquis Street (north-west). To the front of the host property lies the main highway of Albion Terrace, beyond which is the Headland harbour wall. The rear of the host property is served by a brick wall with a height of approximately 2.4m.

## PUBLICITY

1.7 The application has been advertised by way of letters to four individual neighbouring properties and to local ward councillors, a site notice and a press notice. To date, one response offering no objections to the proposal has been received from members of the public.

1.8 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144905>

1.9 The period for publicity has expired.

## CONSULTATIONS

1.10 The following consultation replies have been received:

**HBC Heritage and Countryside Manager:** The application site is a grade II listed building located in the Headland Conservation Area. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations”.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning

authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, “seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.”

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is considered to be ‘At Risk’ due to the accumulation of minor alterations, such as changing windows and doors which has impacted on the character of the area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

Planning Committee agreed Policy Guidelines in relation to replacement windows in 2009. Since that time new policy documents have been introduced including the NPPF, in 2012, which was then subsequently updated, and the Local Plan adopted in 2018. It is therefore considered that this policy carries more weight and is the primary consideration when assessing applications for replacement windows.

The proposal is insertion of UPVC windows to the rear of the main building and a single storey offshoot extension. The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights. UPVC sliding sashes have a different appearance to timber. The framing is usually slightly thicker and there are minor details which differ. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

Furthermore the horns on windows are often an addition, rather than an integral part of the frame. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition as a material it has a smoother more regular surface finish and colour, and the ageing process varies significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time.

Whilst it is noted that the windows have been altered to modern casements it is considered that the replacement windows would cause less than significant harm to the designated heritage asset. This is due to a number of timber windows surviving in this terrace of listed buildings and more widely the conservation area, and therefore contributing to the significance of both of these designated heritage assets. Having regard to para 192 and 200 of the NPPF it is considered that this is an opportunity to restore traditionally detailed windows in an appropriate material to this building.

The replacement windows would cause less than significant harm to the designated heritage assets. Timber windows are an important characteristic of both this terrace of listed buildings and the Headland Conservation Area and therefore contribute to their significance. No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

Update 12/07/2021 in response to additional comments from applicant regarding the public benefits:

With regard to public benefit it should be noted that the Planning Practice Guide states,

*"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit."*

In relation to the benefits cited by the applicant,

There are other alternative ways in which a solution could be achieved in this instance i.e. timber windows could be installed which would not cause harm to the designated heritage assets and would subsequently enhance the significance of them achieving much of the desired effect of the windows that are proposed. Further to this there is no way potential future works could be tied to this application and therefore the benefits must be weighed against the works in the application, not work that may be carried out such as the painting in the future.

**HBC Public Protection:** I have no objections to this application.

**HBC Landscape Architect:** No comments received.

**Headland Parish Council:** No comments received.

**Civic Society:** No comments received.

## PLANNING POLICY

1.11 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

1.12 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

| Policy | Subject   |
|--------|---|
| SUS1   | Presumption in Favour of Sustainable Development    |
| LS1    | The Locational Strategy                             |
| QP3    | Location, accessibility, highway safety and parking |
| QP4    | Layout and Design of Development                    |
| QP6    | Technical matters                                   |
| HE1    | Heritage assets                                     |
| HE3    | Conservation areas                                  |
| HE4    | Listed Buildings and Structures                     |
| HE7    | Heritage at Risk                                    |

### NPPF (2019)

1.13 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

| Para | Subject  |
|------|--|
| 2    | Primacy of the Development Plan                            |
| 6    | Contribution to the achievement of sustainable development |

|     |   |
|-----|---|
| 7   | Three dimensions to sustainable development                 |
| 9   | Pursuing sustainable development                            |
| 11  | Planning law and development plan                           |
| 12  | Status of the development plan                              |
| 13  | The National Planning Policy Framework constitutes guidance |
| 14  | Presumption in favour of sustainable development            |
| 17  | Role of the planning system                                 |
| 124 | Well-designed places  |
| 126 | Using design guides to create distinctive places            |
| 130 | Refusal of poor design                                      |
| 131 | High standard of design                                     |
| 185 | Positive strategy for the historic environment              |
| 190 | Proposals affecting heritage assets                         |
| 192 | Proposals affecting heritage assets                         |
| 193 | Considering potential impacts                               |
| 194 | Considering potential impacts                               |
| 196 | Less than substantial harm                                  |
| 200 | Considering potential impacts                               |

**1.14 HBC Planning Policy comments:** Planning Policy has concerns regarding the installation of UPVC windows as they can dilute the designation of the conservation area, however the view of the Heritage and Countryside will be paramount in the determination of this application.

## PLANNING CONSIDERATIONS

1.15 The main material planning considerations when considering this application are the impact on the setting, character and appearance of the listed building. These and any other planning matters are considered in full in the paragraphs below.

### IMPACT ON SETTING, CHARACTER AND APPEARANCE OF THE EXISTING LISTED BUILDING (AND CONSERVATION AREA)

1.16 The host property comprises a three storey Grade II listed building located in the Headland Conservation Area, both of which are recognised as designated heritage assets.

1.17 When considering applications for listed buildings, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.18 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation (para 193 and 194, NPPF).

1.19 The Council's Local Plan policies HE1, HE3, HE4 and HE7 are relevant in the determination of this application, to ensure that the design of proposals and

materials used in developments do not affect the historic significance of listed buildings.

1.20 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Policy HE4 of the local plan states the Borough Council will seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their reuse and restoration.

1.21 In this context, the Council's Heritage and Countryside Manager considers that the proposed replacement of timber casement windows with uPVC double glazed windows in the rear elevations of the host property would cause less than substantial harm to the significance of the listed building and the Headland Conservation Area.

1.22 As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture. The loss of original timber windows and their replacement with uPVC is an acknowledged threat to the significance of conservation areas. The entry of the Headland Conservation Area on the Heritage at Risk Register 2019 notes that the conservation area is in "very bad condition" and is of "high vulnerability", due to the accumulation of alterations resulting in a loss of traditional details. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as "at risk" is a priority for the Council.

1.23 The Hartlepool Local Plan (2018) policy HE3 criterion 3 encourages the retention of the historic fabric and the original features of special architectural interest in conservation areas. uPVC is therefore considered to be an alien material to historic properties and areas, that cannot match timber in terms of detailing and authenticity. Details are rarely produced to the same fine dimensions and finish as could be achieved with timber; and the glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows.

1.24 The proposed replacement windows are uPVC sliding sash windows. In the above context, the width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

1.25 Further to this, uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

1.26 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a listed building and a conservation area.

1.27 The applicant was made aware of the concerns of the Heritage and Countryside Manager as outline above. The case officer sought to work with the applicant and recommended amendments to the application to include materials more in keeping with the conservation area (i.e. the use of timber instead of uPVC) in accordance with policy guidelines. However, the applicant has confirmed their intention to proceed with the original submission and did not wish to amend the application. The applicant has subsequently stated that they believe the public benefits of the proposal include:

- The design is more in keeping with the original windows despite being of a different material;
- The public will benefit from seeing the entire property repaired and decorated;
- The public will benefit from the 4 viewable windows against a background of freshly painted render;
- The public will not have to see boarded up windows;

1.28 Although the applicant has stated that a reason for the proposal is due to the condition of the existing windows, it is considered that whilst this may justify the replacement of the existing windows, it would not justify their replacement material being uPVC rather than timber.

1.29 In view of the above it is considered that insufficient information has been provided to demonstrate that the identified harm to the listed building (and the Headland Conservation Area) would be outweighed by any public benefits of the proposal, a view supported by the Council's Heritage and Countryside Manager.

1.30 It is acknowledged that the street scene of Albion Terrace as well as the surrounding streets within the Headland Conservation Area comprise previous examples of properties which include uPVC windows, with or without having benefited from planning permission. There are several reasons why such alterations may have occurred. Such examples may have been permitted under different national and local policy regimes, before adoption of the Council's previously published advice note: "Advice on the Repair and Replacement of Windows"(now out of date and recently removed from the LPA's website), or the Character Appraisal for this conservation area, or prior to this conservation area's "at risk" status in 2019; or they may have been installed unlawfully even if this would not make them acceptable. The key point is that each case must be judged on its own merits, within its own up to date planning policy and guidance context.

1.31 It is considered that the proliferation of other examples of uPVC windows throughout Albion Terrace and the wider Headland Conservation Area strengthens the importance of preserving heritage assets including the listed buildings and the conservation area, and protecting the vulnerability of the designated heritage asset from the accumulated harm resulting from the loss of traditional details even more significant.



1.32 It is also worth stressing that the current application site is a Grade II Listed Building where legislation, national and local policies seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations as is considered to be proposed through this application.

1.33 Finally, although the applicant appears to suggest that the proposed replacement windows to the rear being uPVC rather than timber would allow for other necessary works (e.g. to the front and side of the corner listed building) to be undertaken to a better standard, it is of consideration that the current application can only consider matters related to the works proposed through the current application itself, and it would not be reasonable or proportionate to apply planning conditions requiring potential works in the future be undertaken, or to consider those hypothetical proposals through this current application (as further permission(s) is likely to be required).

1.34 Accordingly, therefore, the proposal is considered to conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Further conflict arises with Policy HE1 of the Hartlepool Local Plan (LP), insofar as it seeks to preserve, protect and positively enhance all heritage asset, and requires proposals to be of a high quality design which has a positive impact on the heritage asset.

1.35 Although serious, the harm to the heritage assets in this case would be ‘less than substantial’, within the meaning of the term in paragraph 196 of the NPPF. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. As detailed above, insufficient public benefits have been identified that would justify or outweigh the harm identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that “great weight should be given to the assets’ conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance”.

1.36 Overall and in conclusion, it is considered that the proposal is not considered to be acceptable and is contrary to Policies HE1, HE3, HE7 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 131, 185, 190, 192, 193, 196, 197 and 200 of the NPPF (2019). This would therefore warrant refusal of the application in this instance.

## OTHER MATTERS

1.37 The proposal would not alter the footprint of the property or introduce any new window openings than those in the existing front of the host property, and therefore it is considered that replacement of windows in the rear elevation with uPVC windows would not have a significant adverse impact on the amenity or privacy of neighbouring occupiers.

## CONCLUSION

1.38 It is considered that the introduction of uPVC windows would less than substantial harm to the designated heritage asset of the Grade II listed building (and Headland Conservation Area) by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the setting, character and appearance of the Headland Conservation Area, contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.39 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.40 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.41 There are no Section 17 implications.

## REASON FOR DECISION

1.42 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of the Grade II Listed Building (and the Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the setting, character and appearance of the designated heritage asset(s). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

## BACKGROUND PAPERS

1.43 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144905>

1.44 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

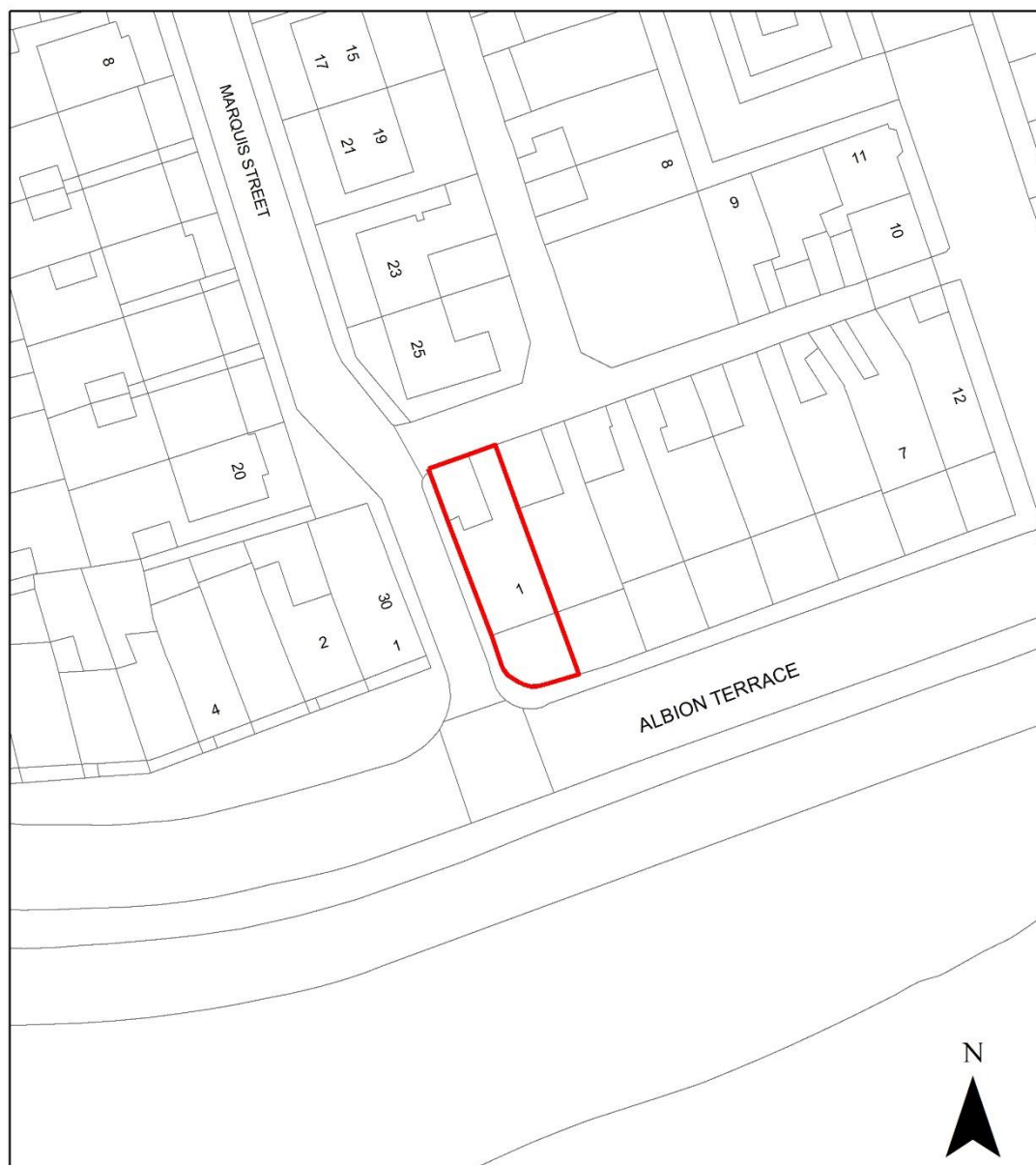
## **CONTACT OFFICER**

1.45 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## **AUTHOR**

1.46 Stephanie Bell  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

## 1 Albion Terrace, Hartlepool



Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

|  |                           |                        |
|--|---------------------------|------------------------|
| <b>HARTLEPOOL</b><br>BOROUGH COUNCIL   | DRAWN <b>JB</b>           | DATE <b>15.07.2021</b> |
|  | SCALE <b>1:500</b>        |                        |
| <b>Dept of Regeneration &amp; Neighbourhoods</b><br>Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO <b>H/2021/0143</b> | REV                    |

**No:** 2.  
**Number:** H/2021/0241  
**Applicant:** MRS GAIL ASKEW THOMPSON 89 HUTTON AVENUE  
HARTLEPOOL TS26 9PR  
**Agent:** MRS GAIL ASKEW THOMPSON 89 HUTTON AVENUE  
HARTLEPOOL TS26 9PR  
**Date valid:** 28/05/2021  
**Development:** Replacement windows to front (Resubmission)  
**Location:** 89 HUTTON AVENUE HARTLEPOOL

---

## PURPOSE OF REPORT

2.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

## BACKGROUND

2.2 **H/2020/0348**; Installation of replacement windows to front, refused on 22<sup>nd</sup> February 2021 for the following reason;

1. *In the opinion of the Local Planning Authority, it is considered that the replacement windows to front cause less than substantial harm to the designated heritage asset (Grange Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019.*

## PROPOSAL

2.3 This application is a like for like resubmission of the recently refused application H/2020/0348 (as detailed above). As such permission is sought to replace the existing ground and first floor bay window to front and a single first floor window to front of 89 Hutton Avenue. The existing first floor windows are original timber sliding sash windows, the ground floor bay is a later replacement in timber frames but not sliding sash. The proposals would see all of these windows replaced with double glazed uPVC sliding sash frames.

2.4 As part of the resubmitted application, the applicant has submitted additional supporting documentation comprising a brochure by 'Ecoslide', detailing the function, mechanisms and materials afforded by the proposed replacement uPVC sliding sash windows.

2.5 The application has been called in to be determined in the Planning Committee by a local ward councillor, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

2.6 The application site is a semi-detached Victorian villa on the south side of Hutton Avenue, in a broadly residential area in the north western part of Grange Conservation Area.

## **PUBLICITY**

2.7 The application has been advertised by way of neighbour letters, site notice and press advert. To date, there has been 1 letter of 'support' received.

2.8 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146168>

2.9 The period for publicity has expired.

## **CONSULTATIONS**

2.10 The following consultation replies have been received:

**HBC Heritage and Countryside Manager:** The application site is located in the Grange Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, "seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas."

The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows,

panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre.

Timber windows contribute the character of the conservation area. In particular the Grange Conservation Area Character Appraisal states; “windows are key features in the architecture of the area used to enliven elevations.” It goes on to note that, “Bay windows are a prominent feature within the area, enlivening elevations and highlighting windows as features.” Further to this it states, “Traditional Victorian, windows are double-hung vertical sliding timber sashes, and this type of window dominates the area. Glazing bar subdivisions are not common...Indeed, the 2 high number of ground floor bay windows that have fixed central windows comprising one large pane of glass may stem from developers wishing to impress potential buyers with the latest fashion.”

In relation to replacement windows it states that, “Many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area’s detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area.”

The proposal is the removal of timber windows (casement, ground floor and sashes 1st floor) and the installation of UPVC sash windows to the front elevation of the property.

The applicant has provided evidence of an alternative case elsewhere in the conservation area dates 2009. It should be noted that each case is assessed on its own merits. Since 2009 the legislation has remained the same however policy has changed. The National Planning Policy Framework has been introduced along with a new local plan in 2018. In light of this it is considered that when providing advice on applications in conservation areas, the primary policy documents that should be used are those listed above.

There are details on UPVC windows which differ to timber sliding sashes. For example a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition as a material it has a smoother more regular surface finish and colour, and the ageing process varies significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time.

Whilst it is noted that the windows in the ground floor have been altered to modern casements the bay remains unaltered, as do the first floor windows. It is considered that the loss of the original windows to the first floor and the replacement of all of the windows with UPVC sashes would cause less than significant harm to the designated heritage asset. This is due to a significant number of timber windows surviving in this conservation area and therefore contributing to the significance.

No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

**Civic Society:** No comments received.

## PLANNING POLICY

2.11 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

2.12 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

| Policy | Subject  |
|--------|--|
| QP4    | Layout and Design of Development                 |
| HSG11  | Extensions and Alterations to Existing Dwellings |
| HE1    | Heritage assets                                  |
| HE3    | Conservation areas                               |
| HE7    | Heritage at Risk                                 |

### NPPF (2019)

2.13 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

| Para | Subject                         |
|------|---------------------------------|
| 2    | Primacy of the Development Plan |



|     |   |
|-----|---|
| 6   | Contribution to the achievement of sustainable development  |
| 7   | Three dimensions to sustainable development                 |
| 9   | Pursuing sustainable development                            |
| 11  | Planning law and development plan                           |
| 12  | Status of the development plan                              |
| 13  | The National Planning Policy Framework constitutes guidance |
| 14  | Presumption in favour of sustainable development            |
| 17  | Role of the planning system                                 |
| 124 | Well-designed places  |
| 126 | Using design guides to create distinctive places            |
| 130 | Refusal of poor design                                      |
| 131 | High standard of design                                     |
| 185 | Positive strategy for the historic environment              |
| 190 | Proposals affecting heritage assets                         |
| 192 | Proposals affecting heritage assets                         |
| 193 | Considering potential impacts                               |
| 194 | Considering potential impacts                               |
| 196 | Less than substantial harm                                  |
| 200 | Considering potential impacts                               |

## PLANNING CONSIDERATIONS

2.14 The main planning consideration with respect to this application is the impact on the character and appearance of the conservation area and any other relevant planning matters as identified below.

### IMPACT ON CHARACTER + APPEARANCE OF CONSERVATION AREA

2.15 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

2.16 Further to this, Local Plan Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

2.17 As identified in the comments received from the Council's Heritage and Countryside Manager above, Grange Conservation Area derives its significance from Victorian dwellings with common characteristics, notably windows and in particular, bay windows. The Grange Conservation Area Character Appraisal states; 'Historic timber windows are vital to the area's detailed character and appearance', and it is considered that the area has been negatively affected by the loss of such details and their replacement with inappropriate modern alternatives.

2.18 While it is noted that the applicant amended their previous application (H/2020/0348) so the method of opening would be sashes rather than 'mock sash' casements, the use of uPVC was maintained and this resubmission offers no other amendments to the design. The proportions of the proposed replacement windows, by virtue of the use of uPVC, and the loss of the traditional form and appearance of timber framed windows with sashes within and a more uniform and reflective finish, would all still contribute harm to the appearance of the property and wider conservation area.

2.19 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused.

2.20 In their supporting information, the applicant has provided the copy of a decision notice for a similar property within the Grange Conservation Area (H/2016/0292, decision date 09/09/2016). The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in harm to the character of the area and therefore a more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area. Finally, it should be noted that the decision date of the submitted example provided by the applicant was prior to the adoption of the Hartlepool Local Plan (2018) and the updated NPPF (2019), as noted in the comments from the Heritage and Countryside Manager above. Applications must be considered in light of their specific merits in line with current local and national policy.

2.21 It is noted that the existing ground floor bay window is not original, however the other windows it is proposed to replace are. The ground floor bay is of traditional materials and therefore it is not considered its replacement in uPVC would be appropriate even though this element of the works would not result in the loss of original fabric. As noted by the Heritage and Countryside Manager, the NPPF requires Local Planning Authorities to seek positive enhancements that better reveal the significance of an area; it is not considered the use of uPVC would achieve this requirement.

2.22 Overall and in conclusion, it is considered that the proposal is not considered to be acceptable, contrary to Policies HE1, HE3, HE7 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196, 197 and 200 of the NPPF (2019). This would therefore warrant refusal of the application in this instance.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.23 It is not considered that the works carried out have a negative impact on the privacy of neighbouring occupiers as the proposals would replace windows in existing openings and would not increase the number of windows or their proximity to neighbouring properties. There are no extensions proposed that would have any

impact on light or outlook for neighbouring occupiers. Notwithstanding this, it is considered the proposals would detract from the visual amenities of the area to the detriment of the quality of place in the vicinity.

## RESIDUAL MATTERS

2.24 The applicant has identified that the cost of replacing the existing windows in uPVC is substantially less than it would be to do so in timber, while appreciating the concern in this respect, this is not a material planning consideration that would justify the harm identified to the heritage asset and does not therefore warrant approval of the application. The difference in cost is acknowledged, however it should be noted that well maintained, timber windows could be expected to last considerably longer than uPVC alternatives.

## CONCLUSION

2.25 It is considered that the introduction of windows of non-traditional design and materials causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Grange Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.26 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.27 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.28 There are no Section 17 implications.

## REASON FOR DECISION

2.29 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows to front would cause less than substantial harm to the designated heritage asset (Grange Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It

is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019.

## **BACKGROUND PAPERS**

2.30 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146168>

2.31 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

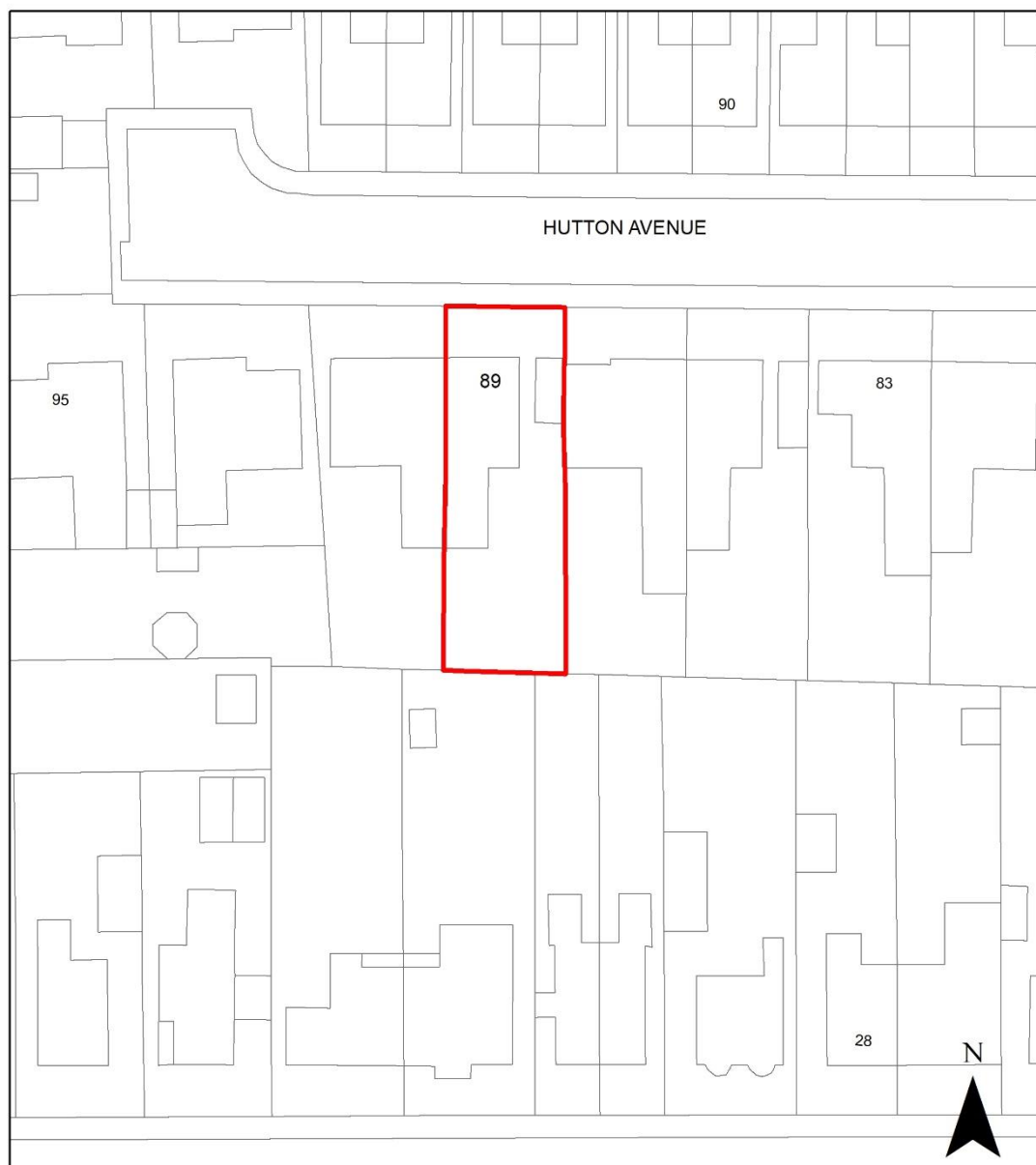
## **CONTACT OFFICER**

2.32 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## **AUTHOR**

2.33 Laura Alderson  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 523273  
E-mail: [laura.alderon@hartlepool.gov.uk](mailto:laura.alderon@hartlepool.gov.uk)

## 89 Hutton Avenue, Hartlepool



Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

|  |                              |                           |
|--|------------------------------|---------------------------|
| <b>HARTLEPOOL</b><br>BOROUGH COUNCIL   | DRAWN <b>JB</b>              | DATE<br><b>15.07.2021</b> |
|  | SCALE <b>1:500</b>           |                           |
| <b>Dept of Regeneration &amp; Neighbourhoods</b><br>Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO<br><b>H/2021/0241</b> | REV                       |



**No:** 3.  
**Number:** H/2021/0164  
**Applicant:** MR JONATHON KELLY Grassholme Road Hartlepool  
 TS26 0QH  
**Agent:** MR JONATHON KELLY 1 Grassholme Road Hartlepool  
 TS26 0QH  
**Date valid:** 25/05/2021  
**Development:** Installation of seating / fire pit area with retaining wall and  
 new lawn with edging to the rear, and associated  
 alterations to site levels and hard and soft landscaping.  
**Location:** 1 GRASSHOLME ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

3.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

## BACKGROUND

3.2 The following planning history is considered to be relevant to the current application;

CMP/2018/00127 – A planning complaint was received on 26<sup>th</sup> July 2018 concerning the erection of a retaining wall and raising of ground levels in the rear garden. Following further investigation, the works carried out were considered by officers to constitute an engineering operation for which planning permission was required but had not been sought, and therefore the works were unauthorised.

H/2018/0504 – A valid part-retrospective planning application was received on 21<sup>st</sup> February 2019 for alterations to ground levels and erection of retaining walls and boundary fencing to the rear, and erection of boundary fencing to the front and side. The application was subsequently refused by the planning committee on 2<sup>nd</sup> August 2019.

APP/H0724/D/19/3238009 – An appeal lodged against the Council's decision to refuse planning application H/2018/0504 (see above) was dismissed by the Planning Inspectorate on 20<sup>th</sup> February 2020.

Following the outcome of the above referenced application and subsequent appeal, an enforcement report pursuant to planning complaint CMP/2018/00127 was progressed to the Council's planning committee on 22<sup>nd</sup> July 2020 and authorisation was given by the planning committee for the issue of an enforcement notice requiring remediation works to the rear garden of the property to return it to its previous condition, prior to when the unauthorised works took place.

Prior to the issue of a formal enforcement notice pursuant to the above complaint, the applicant carried out remediation works to the garden in an effort to restore it to its previous condition. Following these works, officers were satisfied that it was no longer expedient to take any further enforcement action, and the complaint was duly closed.

H/2020/0461 – An application for a Lawful Development Certificate was refused on 26<sup>th</sup> March 2021 for proposed seating / fire pit area with retaining wall and new lawn with edging, including level adjustments to the lawn to provide constant slope / remove low points.

## PROPOSAL

3.3 Planning permission is sought for installation of seating / fire pit area with retaining wall and new lawn with edging to the rear, associated alterations to site levels and hard and soft landscaping.

3.4 In detail, the proposals comprise;

- Provision of a 'seating area' with a central fire pit within the south-east corner of the site consisting of;
  - Alterations to site levels (to form a sunken seating / fire pit area) including removal of approx. 3 cubic metres of soil, with approximately 62% of the area lower than existing levels and approximately 38% higher (up to a max height of approximately 0.26m)
  - Provision of retaining walls with attached/floating seating up to approx. 0.8m in height above seating area (up to approx. 1.2m in height at highest point above ground level), to formalise and enclose the seating / fire pit area.
  - Provision of sub base (approx. 1 cubic metre) and hard standing measuring approx. 9m<sup>2</sup> (to the floor of the seating / fire pit area)
  - Soft landscaping / screen planting
  - The seating area would be accessed via a set of steps and a footpath.
- Provision of a 'new lawn' with edging to the west of the proposed seating area consisting;
  - Alterations to site levels (to provide a smoother gradient / constant slope)
  - Provision of wall/edging up to approx. 0.6m in height (to enclose/delineate the edge of the 'new lawn')
  - Soft landscaping / screen planting

3.5 It was noted during the case officers site visit that the applicant has installed boundary fencing around the perimeter of the rear garden up to a height of approximately 1.95 metres. Planning permission is not required for boundary enclosures up to 2 metres in height by virtue of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and accordingly the applicant has not sought planning permission for this fencing as part of this application. This fencing therefore does not form part of the consideration of this application.



3.6 Similarly, it is noted that the applicant has installed additional hard standing/patio area to the upper level of the garden, and has also commenced construction of a pergola structure. Both the provision of hard standing and erection of outbuildings within the curtilage of a dwellinghouse are also permitted without the need for planning permission (subject to various parameters and conditions) by virtue of the abovementioned permitted development legislation. Accordingly, the applicant has also not sought planning permission for this hard standing or pergola structure, and this development therefore does not form part of the consideration of this application.

3.7 The application has been referred to the planning committee due to the number of objections received.

## **SITE CONTEXT**

3.8 The application site comprises a large detached two storey dwellinghouse situated on a corner plot at the junction of Roundhill Close and Grassholme Road, in an existing residential estate, at 1 Grassholme Road, Hartlepool. The application site is bounded to the east by 24 and 26 Kielder Road, and to the south by 1 and 2 Roundhill Close. To the north and west, the application site is bounded by the adopted highway on Grassholme Road and Roundhill Close, respectively. The rear garden of the property is on sloping ground, sloping down from north to south (i.e. higher to the north adjacent to the host dwellinghouse, and lower to the south adjacent to the site boundaries).

## **PUBLICITY**

3.9 The application has been advertised by way of neighbour letters (7). To date, there has been 3 representations received citing a number of objections and concerns.

3.10 The objections/concerns raised are (summarised):

- Development is overbearing
- Loss of privacy / development is intrusive
- Fire pit will cause undue noise and disturbance
- Fire pit will cause pollution and fire hazard
- Impact on climate change
- Additional surface water run off
- Strain on existing retaining wall
- Previous work carried out without planning permission
- Proposed work has already started
- Ground level not returned to original level following previous refusal
- No consultation with neighbours by applicant
- Submitted plans are inaccurate
- Footballs / basketballs kicked into neighbouring gardens
- Impact on property value
- Errors in previous officer reports and submitted documents

3.11 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145207>

3.12 The period for publicity has expired.

## CONSULTATIONS

3.13 The following consultation replies have been received:

**HBC Engineering** – In response to your consultation on the above application, we have no objection to proposals in respect of surface water management or contaminated land.

**HBC Landscaping Architect** - There are no landscape and visual objections to the proposed development.

**HBC Building Control** – No representations received.

**HBC Public Protection** – We would never object to a domestic dwelling having a fire pit unless we had past evidence to say this was a problem property for relating complaints. Smoke/fume nuisance in a domestic dwelling - We would look at Statutory nuisance covered by the Environmental Protection Act 1990 (we would look at the frequency and duration of the problem before determining a stat nuisance existed).

## PLANNING POLICY

3.14 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

3.15 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1: Locational Strategy

SUS1: Presumption in Favour of Sustainable Development

QP4: Layout and Design of Development

HSG11: Extensions to Existing Dwellings

### National Policy

3.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving

sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Purpose of the Planning System;

PARA 011: Presumption in favour of sustainable development;

PARA 038: Decision making;

PARA 047: Determining applications in accordance with the development plan;

PARA 124: High quality buildings and places;

PARA 127: Design principles.

## **PLANNING CONSIDERATIONS**

3.17 The main issues for consideration in this instance are the appropriateness of the proposals in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, and the amenity and privacy of neighbouring land users. These and all other planning and residual matters are set out in detail below.

### **VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA**

3.18 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that development should be of an appropriate, layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features and character of the local area, respects the surrounding buildings, structures and environment and uses design elements relevant to the location.

3.19 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) further stipulates that proposals for extensions and alterations to residential properties should be of a size, design and use materials that are sympathetic to the existing dwelling and should not affect the character of the surrounding residential area.

3.20 Paragraph 124 of the National Planning Policy Framework (NPPF) (2019) highlights that the creation of high quality 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.

3.21 Paragraph 127 of the NPPF (2019) further stipulates that planning decisions should ensure that developments will function well and add to the overall quality of

the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

3.22 Objections have been received from neighbouring properties citing concerns that the proposals are overbearing.

3.23 The proposals in this instance are located within the rear garden of the host property. The rear garden of the host property is enclosed by closed boarded timber fencing up to a height of approximately 1.95 metres at the rear. Due to the location of the proposed development to the rear of the property and given the aforementioned boundary treatment screening, the development itself will not have any appreciable impact on the street scene on Grassholme Road or Roundhill Close, and will be significantly screened from view from neighbouring properties.

3.24 The proposals are to form a private seating area within the rear garden of a residential dwellinghouse, the development is considered to be domestic in nature and scale. The proposed finishing materials comprise a mix of concrete block retaining walls with render finish, granite slab edging and porcelain paving stones. Soft landscaping is also proposed in the form of a new lawn and screen planting. The design and finish of the development is considered to be characteristic of a domestic garden.

3.25 The Council's Landscape Architect has confirmed that they have no landscape or visual objections to the proposals.

3.26 In view of the above considerations, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.27 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) also states that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby property by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.

3.28 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) states that proposals for extensions and alterations to residential properties must not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook.

3.29 Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure that developments will create places with a high standard of amenity for existing and future users.

3.30 Objections and concerns have been received from neighbouring properties citing concerns including that previous and proposed development at this site is intrusive and has/will result in a loss of privacy for neighbours, and will result in undue noise and disturbance.

3.31 It is important to distinguish that the neighbour objections received all refer to previous unauthorised work carried out by the applicant that was subject to a refused retrospective planning application (ref H/2018/0504), appeal and subsequent enforcement investigation by the LPA. The objections allege that the land level has not been restored to its previous condition (before any work was started) and the current levels have a detrimental impact on the privacy of neighbouring properties by enabling overlooking. However, the remediation work to the rear garden levels following the previous refusal were considered by officers through the aforementioned enforcement investigation, as set out in the 'Background' section of this report. Officers (in consultation with the Chair of the Planning Committee) were satisfied at that time that the garden levels had been satisfactorily restored sufficient to negate the need for any further enforcement action. This application therefore does not relate to the restoration of the garden levels, as this has already been considered and the matter closed, with no further action required with respect to the status quo. Any objections that refer to that remediation work and previous enforcement matters are therefore immaterial to the consideration of this application.

3.32 That being said, objections received by neighbours do also raise concerns that the proposals that do form part of this application (as described in the 'Proposal' section of this report) would further alter land levels, and this would have an impact on the privacy of neighbouring properties through overlooking. These impacts are considered in further detail below.

#### *Neighbouring Properties to the North and West (2, 3, 4 & 6 Grassholme Road)*

3.33 To the north and west, the proposals, which are located within the rear garden of the host property, are largely screened from neighbouring land users and are otherwise situated at satisfactory distances from neighbouring land users on the opposite side of Grassholme Road and Roundhill Close, respectively, and therefore it is considered that there would be no appreciable impact on the amenity or privacy of neighbouring land users to the north or west.

#### *Neighbouring Properties to the East (24 & 26 Kielder Road)*

3.34 To the east, whilst the application site is bounded by both 24 and 26 Kielder Road, the proposed development lies towards the south of the site, away from the shared boundary with 24 Kielder Road, and it is therefore considered that the proposals would have no appreciable impact on the amenity and privacy of this neighbouring property.

3.35 With respect to 26 Kielder Road, the proposed provision of a new lawn area on the western side of the host property's garden would be an appreciable distance from the shared eastern boundary and due to the nature of this works it is considered would have no significant impact on the privacy or amenity of this neighbour.

3.36 With respect to the proposed seating area however, this is located on the eastern side of the garden, adjacent to the shared boundary with 26 Kielder Road. For the majority of its length along the eastern boundary (measured north to south), the proposed seating area is sunken below the existing ground levels, and therefore this area would not have an appreciable impact on this neighbour to the north, in comparison to existing levels. Due to the proposed levelling of the seating area and gradient of the existing garden slope, the ground would slope away from the remaining (approx. 1.3m) length of the seating area, which would correspondingly sit above existing ground levels up to a maximum height of approximately 0.26m at the southernmost point. The surrounding land outside the seating area does not increase in height when compared against existing levels plans, but maintains the existing slope, and is proposed to include new screen planting.

3.37 It is also noted that the proposed seating area does not sit parallel to the eastern boundary of the site, but sits at an oblique angle, splaying away from the eastern boundary, with the small triangular area of raised land at the southernmost point set back by approximately 1-3 metres from the fence line. The eastern boundary also features an approximately 1.8m - 2m high closed boarded fence at its southernmost point, adjacent to the southern point of the seating area. Furthermore, it is noted that this southernmost corner of the seating area features bench seating, limiting the ability / propensity for someone to stand in the southern corner of the seating area, where it is highest above the existing ground level.

3.38 Whilst there is therefore a small increase in ground levels at the southernmost point of the proposed seating area, in view of the above, it is considered that this is unlikely to allow significant overlooking of neighbouring properties to the east, and therefore, on balance, would not have such a significant detrimental impact on the privacy of this neighbouring land user, sufficient to warrant refusal of the application.

3.39 The proposed works themselves are also entirely screened from neighbouring land users by the aforementioned eastern boundary fencing and, as such, would not have an appreciable impact on the amenity of neighbouring land users to the east in terms of overshadowing, any overbearing effect or poor outlook.

#### *Neighbouring Properties to the South-East (3 Roundhill Close)*

3.40 To the south-east, the south-east corner of the rear garden of the host property touches the north-west corner of the adjacent property at 3 Roundhill Close. The relationship between these two properties is offset and oblique (they do not directly face one another), and the proposed provision of a new lawn area on the western side of the host property's garden would be an appreciable distance from this neighbour's garden and due to the nature of this works it is considered would not have a significant impact on the privacy or amenity of this neighbour.

3.41 With respect to the proposed seating area, whilst this does sit within the south-east corner of the host property's garden, it is set back from the south-easternmost corner of the garden by approximately 1.5 metres, the corner is screened by boundary fencing up to 1.95 metres (approx.) in height, and the southern corner of the seating area (which extends above ground level) is approximately 2-3 metres from the corner of the garden. The surrounding land outside the seating area does

not increase in height when compared against existing levels plans, but maintains the existing slope, and is proposed to include new screen planting.

3.42 Whilst there is therefore a small increase in ground levels at the southernmost point of the proposed seating area, in view of the above, it is considered that this is unlikely to allow significant overlooking of this neighbouring property to the south-east, and therefore, on balance, would not have such a significant detrimental impact on the privacy of this neighbouring land user, sufficient to warrant refusal of the application.

3.43 The proposed works themselves are also largely screened from this neighbouring land user by the eastern and southern boundary fencing and, as such, would not have an appreciable impact on the amenity of neighbouring land users to the south-east in terms of overshadowing, any overbearing effect or poor outlook.

#### *Neighbouring Properties to the South (1 & 2 Roundhill Close)*

3.44 To the south, the proposed seating area sits away from (and at a lower level to) the shared boundary with 1 Roundhill Close, and as such it is considered would not have a significant detrimental impact on the amenity or privacy of this neighbour. However, the proposed seating area does sit adjacent to the shared boundary with 2 Roundhill Close.

3.45 As above, the seating area would project above the existing ground level by up to approx. 0.26 metres at its southernmost point, as the land slopes away. The surrounding land outside the seating area does not increase in height when compared against existing levels plans, but maintains the existing slope, and is proposed to include new screen planting. It is again noted that the proposed seating area does not sit parallel to the southern boundary of the site, but sits at an oblique angle, splaying away from the southern boundary, with the small triangular area of raised land at the southernmost point set back by approximately 0.6m-2m from the fence line. It is also noted again that this southernmost corner of the seating area features bench seating, limiting the ability / propensity for someone to stand in the southern corner of the seating area, where it is highest above the existing ground level. The southern boundary with 2 Roundhill Close also features an approximately 1.95 metre high closed boarded fence. It is acknowledged however that, as the land continues to slope away from the proposed seating area, this fence sits approximately 40cm lower and as such its ability to screen views from the proposed seating area is reduced.

3.46 In view of the above, in order to safeguard the privacy of neighbouring land users to the south, it is considered that an additional screen fence above the proposed seating area retaining walls / enclosure will be required to make the proposals acceptable in planning terms. As the proposed walls of the seating area are approximately 0.8m in height above the floor of the seating area, it is considered that a screen fence with a minimum height of 1 metre would be sufficient to prevent any significant overlooking of neighbours to the south. A condition is therefore recommended to require the provision of such screening before the seating area is brought into use, with details to be first submitted to and approved in writing by the local planning authority. Subject to the identified condition, it is considered that the

proposed seating area is unlikely to allow significant overlooking of 2 Roundhill Close and therefore, on balance, would not have such a significant detrimental impact on the privacy of this neighbouring land user, sufficient to warrant refusal of the application.

3.47 With respect to the proposed 'new lawn' area, this comprises relatively modest changes to existing land levels in different areas to provide a smoother gradient / constant slope, as described in the applicant's submission. The levels changes proposed in this area of the garden range from decreasing the level by approximately 6cm in places, to increasing the level up to approximately 26cm (at the eastern end of the lawn, adjacent to the seating area steps).

3.48 It is noted that 1 Roundhill Close sits at a similar level to the host property and the shared boundary with this neighbour is screened by an approximately 2 metre high closed boarded fence. It is therefore considered that the modest alterations to the land level of the lawn area proposed in the vicinity of this boundary would not have an appreciable impact on the privacy of this neighbour.

3.49 With respect to 2 Roundhill Close, whilst the majority of the proposed alterations to the land levels of the lawn area are modest and therefore unlikely to have an impact on the privacy of this neighbour, it is noted that one point within the central part of the garden is proposed to be increased up to approx. 26cm higher than existing levels, at the eastern end of the lawn, adjacent to the seating area steps (albeit approx. 15mm lower than the existing patio level). Whilst this is acknowledged, this part of the garden is approximately 4 metres from the southern shared boundary with 2 Roundhill Close. It is also noted that the level of the existing southern boundary increases from east to west, and as such sits higher opposite this central part of the garden. In view of this, it is not considered this specific change in level would result in significant overlooking of neighbours to the south, with a similar relationship already existing between the existing patio area and this neighbour to the south.

3.50 In view of the above, it is considered that the proposed alterations to the new lawn area are unlikely to allow significant overlooking of 2 Roundhill Close and therefore, on balance, would not have such a significant detrimental impact on the privacy of neighbouring land users to the south, sufficient to warrant refusal of the application.

3.51 The proposed works themselves are also almost entirely screened from neighbouring land users by the aforementioned southern boundary fencing and, as such, would not have an appreciable impact on the amenity of neighbouring land users to the south in terms of overshadowing, any overbearing effect or poor outlook.

#### *Other Amenity Impacts*

3.52 As above, objections by neighbours raise concerns that the proposed seating area will result in undue noise and disturbance, and the proposed fire pit will generate fumes/odours detrimental to the amenity of neighbours.



3.53 Whilst it is acknowledged that the proposals for a seating area may encourage greater use of this corner of the garden by the applicant and their family, this land forms part of the curtilage of a residential dwellinghouse and the use of part of a domestic garden as a seating area (with or without a fire pit) is characteristic of a residential dwelling and residential area.

3.54 There is no evidence to suggest that the proposals would result in any greater intensity of use than would be expected in a domestic setting. In the event that the use of the seating area was to result in unacceptable levels of noise and disturbance, this could be controlled through the appropriate environmental health legislation as a statutory nuisance, and is not within the remit of this planning application.

3.55 Similarly, with respect to fumes/odours from the proposed fire pit, the Council's Public Protection section has advised that they would not object to a domestic dwelling having a fire pit unless they had past evidence to say this was a problem property for related complaints. There is no evidence to suggest this would be an issue in this case and in any event, as above, should the fire pit result in unacceptable levels of fumes/odours, this could be controlled through the appropriate environmental health legislation as a statutory nuisance, and therefore again is not within the remit of this planning application.

3.56 It should also be noted that irrespective of the outcome of this application, the applicant could site a portable fire pit, barbecue or similar appliance anywhere within their own garden without planning permission.

3.57 Ultimately no concerns or objections have been received from the Council's Public Protection section with respect to undue noise and disturbance or fumes/odours.

3.58 Concerns have also been raised with respect to footballs/basketballs being kicked into neighbouring gardens. The use of the proposed new lawn to play football or other sports would not be uncommon in a domestic setting, and the private use of residential gardens for domestic purposes incidental to the enjoyment of the dwellinghouse is not within the control of the local planning authority.

#### *Amenity and Privacy of Neighbouring Land Users Conclusion*

3.59 In view of the above considerations, it is considered that the proposals in this instance would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users, in terms of overshadowing, any overbearing effect, poor outlook, overlooking, or undue noise and disturbance, to warrant refusal of the application. The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

## OTHER PLANNING MATTERS

### *Flood Risk and Drainage*

3.60 Concerns have been raised by objectors that previous work and the current proposals will result in additional surface water runoff. The Council's Flood Risk Officer has been consulted and has confirmed they have no objection to the proposals in respect of surface water management. The proposals are therefore considered to be acceptable in this respect.

#### *Contaminated Land*

3.61 The Council's Engineering section has confirmed they have no objection to the proposals in respect of contaminated land. The proposals are therefore considered to be acceptable in this respect.

#### *Land Stability*

3.62 Objections have been received raising concerns that the existing eastern boundary retaining wall has been put under strain by work previously carried out by the applicant and further groundwork may exacerbate the issue.

3.63 As set out in the 'Background' section of this report, Officers (in consultation with the Chair of the Planning Committee) were satisfied that the garden levels have been satisfactorily restored sufficient to negate the need for any further enforcement action. This application does not relate to the restoration of the garden levels, as this has already been considered and the matter closed, with no further action required with respect to the status quo. These previous remediation works do not form part of this application, and therefore any objections that refer to this remediation work and previous enforcement matters are therefore immaterial to the consideration of this application. Fences, walls and gates do not require building regulations approval, however the structures must be structurally sound and maintained and this is clearly within the applicant's best interests. Any incursion / damage to shared boundaries or neighbouring properties during, or as a result of, previous or proposed works is a civil legal matter between the applicant and adjacent land owners, and is not within the remit of the local planning authority.

3.64 With respect to the proposals that do form part of this application (as described in the 'Proposal' section of this report), it is noted that no net additional soil is proposed to be imported as part of this application, with the proposals including a net reduction in earth adjacent to the eastern boundary of approx. 2 cubic metres (to accommodate the sunken fire pit).

3.65 There is no evidence to suggest the proposals in this instance would be structurally unsound or would result in instability in other parts of the garden. In any event, and as set out above, it is ultimately the responsibility of the applicant to ensure the existing and proposed boundary walls/structures are maintained and any damage to these is a civil matter between the applicant and their neighbours. It is also of note that the Council's Engineering section has been consulted and no objections or concerns have been raised.

## RESIDUAL MATTERS

*Fire pit will cause a fire hazard*

3.66 Objections have been received citing concerns that the proposed fire pit would increase fire risk. As above, it should be noted that irrespective of the outcome of this application, the applicant could site a portable fire pit, barbecue or similar appliance anywhere within their own garden without planning permission. There is no reason to believe that the proposals would result in any greater fire risk than such portable appliances, and this is therefore not a material planning consideration.

*Pollution and impact on global warming / climate change*

3.67 Objections have been received citing concerns with respect to pollution from the proposed fire pit and commenting that the concept of a fire pit should not be supported by the Council, due to the implications for global warming / climate change. Air pollution, emissions and its impact on climate change is a matter for the UK Government and is not within the remit of this planning application. As above, it should also be noted that irrespective of the outcome of this application, the applicant could site a portable fire pit, barbecue or similar appliance anywhere within their own garden without planning permission.

*No consultation with neighbours by applicant*

3.68 Objections have been received raising concerns that the applicant did not carry out any pre-application discussions with neighbours. The applicant has indicated that they previously did consult with their neighbours. Whilst the Council would always encourage pre-application discussions with neighbouring properties, there is no statutory requirement for the applicant to do so in this instance, and this is not a material planning consideration.

*Proposed work has already started / errors in submitted documents*

3.69 An objection has been received alleging that the submitted application form erroneously indicates that the proposed work has not started. However, none of the proposed work to which the application relates (as set out in the 'Proposal' section of this report) had commenced on site at the time of the case officers site visit, and therefore the application form is accurate.

*Inaccurate plans / errors in submitted documents*

3.70 Objections have been received alleging the submitted plans/details are inaccurate, in particular the site plan and ground level details provided. No further clarity has been provided by objectors with respect to why they consider the submitted details are not an accurate representation of the site in its current condition. No alternative measurements of the existing site levels have been provided to substantiate these claims, and no evidence is available to the local planning authority to suggest the submitted plans are inaccurate. There is therefore no reason to believe that the existing plans provided are not an accurate representation of the site in its current condition. Notwithstanding this, it is ultimately

the applicant's responsibility to ensure the details provided in support of their application are accurate, as failure to do so may otherwise compromise the validity of any planning permission, were it to be granted.

### *Impact on property value*

3.71 An objection has been received making reference to property values, however the impact of planning decisions on property values is not a material planning consideration.

## CONCLUSION

3.72 In view of the above, it is considered on balance that the proposals, subject to the identified planning conditions, are acceptable with respect to the relevant material planning considerations and in the context of the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.73 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.74 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.75 There are no Section 17 implications.

## REASON FOR DECISION

3.76 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

**RECOMMENDATION – APPROVE** subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plan(s) and details;

Cross section of firepit/seating wall make up,  
DAWL202012  
received 8<sup>th</sup> April 2021 by the Local Planning Authority;

DAWL20210502 (Proposed Fire Pit Levels in Garden + Cross Section A-A)  
received 13<sup>th</sup> May 2021 by the Local Planning Authority;

DAWL20210501 (Proposed Levels)  
Received 25<sup>th</sup> May 2021 by the Local Planning Authority.  
For the avoidance of doubt.

3. Prior to the first use of the seating / firepit area hereby approved, as shown on plan DAWL20210501 (Proposed Levels) received 25<sup>th</sup> May 2021 by the Local Planning Authority, details of an opaque privacy screen or closed boarded fence with a minimum height of at least 1 metre (measured above the top of the seating area retaining / boundary wall enclosure) to be erected along the south-east and south-west sides of the seating / firepit area shall be submitted to and approved in writing by the Local Planning Authority. The privacy screening shall thereafter be implemented in accordance with the approved details prior to the first use of the seating / firepit area and shall be maintained for the lifetime of the development.  
To prevent overlooking.
4. The external finishing materials and hard surfaces of the development hereby approved shall be in accordance with the details contained within the submitted planning application form and drawing no. DAWL202012 received 8<sup>th</sup> April 2021 by the Local Planning Authority, unless similar alternative materials are agreed in writing with the Local Planning Authority.  
For the avoidance of doubt and in the interests of visual amenity.
5. Notwithstanding the submitted details and prior to the first use of the seating area hereby approved, full details of soft landscaping within the rear garden of the host property shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved landscaping shall be implemented in the first planting season following completion of the development or prior to first use of the seating area, whichever is the sooner.  
To ensure a satisfactory form of development.
6. Notwithstanding the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification, the seating / fire pit area hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

## BACKGROUND PAPERS

3.77 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145207>

3.78 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

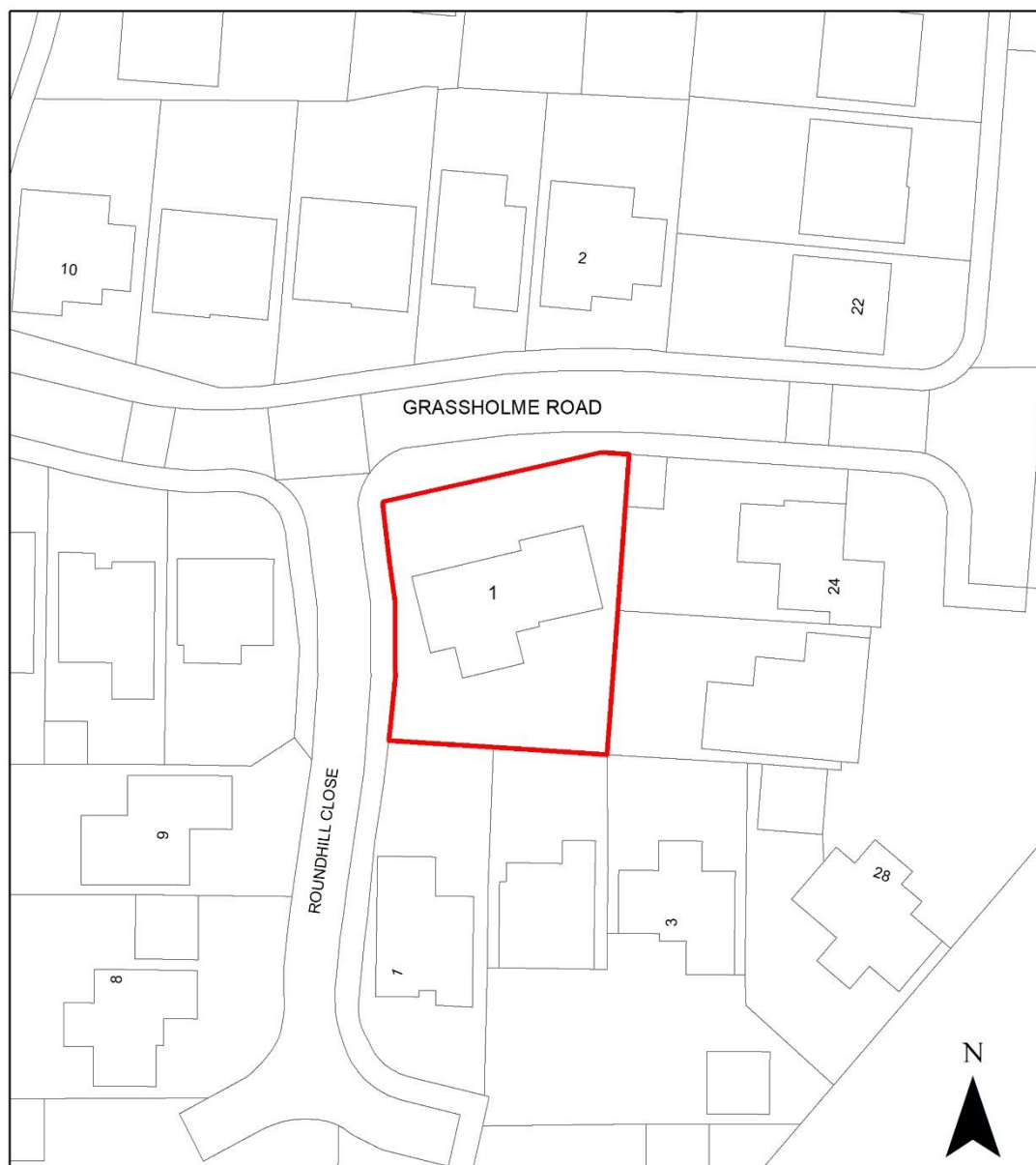
## **CONTACT OFFICER**

3.79 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## **AUTHOR**

3.80 Ryan Cowley  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 523279  
E-mail: [Ryan.Cowley@Hartlepool.gov.uk](mailto:Ryan.Cowley@Hartlepool.gov.uk)

## 1 Grassholme Road, Hartlepool



Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

|  |                              |                           |
|--|------------------------------|---------------------------|
| <b>HARTLEPOOL</b><br>BOROUGH COUNCIL   | DRAWN <b>JB</b>              | DATE<br><b>15.07.2021</b> |
|  | SCALE <b>1:500</b>           |                           |
| <b>Dept of Regeneration &amp; Neighbourhoods</b><br>Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO<br><b>H/2021/0164</b> | REV                       |

## **POLICY NOTE**

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

### **HARTLEPOOL LOCAL PLAN POLICIES**

<https://www.hartlepool.gov.uk/localplan>

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>



## MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

| Material Planning Consideration   | Non Material Planning Consideration  |
|---|--|
| <i>Can be used as reasons to make a decision to grant or refuse a planning application</i>    | <i>To be ignored when making a decision on a planning application</i>                              |
| <ul style="list-style-type: none"> <li>Local and National planning policy</li> </ul>          | <ul style="list-style-type: none"> <li>Political opinion or moral issues</li> </ul>                |
| <ul style="list-style-type: none"> <li>Visual impact</li> </ul>                               | <ul style="list-style-type: none"> <li>Precedent (individual merits of each case)</li> </ul>       |
| <ul style="list-style-type: none"> <li>Loss of privacy</li> </ul>                             | <ul style="list-style-type: none"> <li>Applicants personal circumstances</li> </ul>                |
| <ul style="list-style-type: none"> <li>Loss of daylight / sunlight</li> </ul>                 | <ul style="list-style-type: none"> <li>Private issues between neighbours</li> </ul>                |
| <ul style="list-style-type: none"> <li>Noise, dust, smells, vibrations</li> </ul>             | <ul style="list-style-type: none"> <li>Problems arising from construction period</li> </ul>        |
| <ul style="list-style-type: none"> <li>Pollution and contaminated land</li> </ul>             | <ul style="list-style-type: none"> <li>Loss of trade / business competition</li> </ul>             |
| <ul style="list-style-type: none"> <li>Highway safety, access, traffic and parking</li> </ul> | <ul style="list-style-type: none"> <li>Impact on property value</li> </ul>                         |
| <ul style="list-style-type: none"> <li>Flood risk (coastal and fluvial)</li> </ul>            | <ul style="list-style-type: none"> <li>Loss of a view</li> </ul>                                   |
| <ul style="list-style-type: none"> <li>Health and Safety</li> </ul>                           | <ul style="list-style-type: none"> <li>Alternative proposals</li> </ul>                            |
| <ul style="list-style-type: none"> <li>Heritage and Archaeology</li> </ul>                    | <ul style="list-style-type: none"> <li>Retention of existing use</li> </ul>                        |
| <ul style="list-style-type: none"> <li>Biodiversity and Geodiversity</li> </ul>               | <ul style="list-style-type: none"> <li>There is a better site for the development</li> </ul>       |
| <ul style="list-style-type: none"> <li>Crime and the fear of crime</li> </ul>                 | <ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>           |
| <ul style="list-style-type: none"> <li>Economic impact</li> </ul>                             | <ul style="list-style-type: none"> <li>Changes from previous approved schemes</li> </ul>           |
| <ul style="list-style-type: none"> <li>Planning history or previous decisions made</li> </ul> | <ul style="list-style-type: none"> <li>Building Regs (fire safety, land stability etc.)</li> </ul> |
| <ul style="list-style-type: none"> <li>Economic viability of the scheme</li> </ul>            |  |

## PLANNING COMMITTEE

28<sup>th</sup> July 2021



**Report of:** Assistant Director – Place Management

**Subject:** APPEAL AT LAND ADJACENT TO TRAINING AND ENTERPRISE CENTRE, LYNN STREET, HARTLEPOOL TS24 7BY  
APPEAL REF: APP/H0724/W/21/3273284  
Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works (H/2021/0079)

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of prior approval by Hartlepool Borough Council in respect of the above referenced prior approval application at land adjacent to Training and Enterprise Centre, Lynn Street, Hartlepool.
- 1.2 The appeal was dismissed on 7<sup>th</sup> July 2021. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

**4. AUTHOR**

4.1 Ryan Cowley  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523279  
E-mail: [Ryan.Cowley@Hartlepool.gov.uk](mailto:Ryan.Cowley@Hartlepool.gov.uk)



---

## Appeal Decision

Site Visit made on 5 July 2021

**by Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7 July 2021**

---

**Appeal Ref: APP/H0724/W/21/3273284**

**Lynn Street, Stranton, Hartlepool TS24 7BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Hutchison UK Ltd against the decision of Hartlepool Borough Council.
  - The application Ref H/2021/0079, dated 10 February 2021, was refused by notice dated 9 April 2021.
  - The development proposed is described as "Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

4. The area surrounding the appeal site is characterised predominantly of commercial buildings of ranging sizes. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting and road signs. It has been indicated that the site is close to a Conservation Area however, it has been described that the site is not located within a statutory designation.
  5. The proposal would be significantly taller than existing features in the area and would appear out of keeping with structures such as the nearby street lighting. There would be buildings that are higher than the proposed mast however, given the design, mass and scale of the proposal, it would appear as an unusual feature that dominates the street scene.
- 

<https://www.gov.uk/planning-inspectorate>

6. The appellant indicates that the colour finish of the proposal can be any that is deemed appropriate for the area. The finishing colour would not outweigh the detrimental effect the proposal has on the surrounding area in terms of its siting, scale, style and overall height that would visually jar with its surrounding setting.
7. The proposal would be an obtrusive feature that would have a harmful effect on the character and appearance of the surrounding area. The proposal would conflict with Policies INF5 and QP4 of the Hartlepool Local Plan 2018 and the National Planning Policy Framework which seeks all development to be designed to a high quality and positively enhance their location and setting; and have regard to design and siting techniques.
8. The Council have referred to future regeneration possibilities in the surrounding area, including a film studio. Insufficient detail has been provided on these regeneration schemes and I cannot be sure how the appeal scheme would affect them. I have dealt with the appeal on the current circumstances of the area. This matter does not alter my findings above.

### **Other Matters**

9. In terms of perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines in this regard.
10. There are no residential properties within close proximity to the appeal site and as such there would be no adverse effect on the living conditions of residential occupants.
11. It appears pre-application advice was submitted on the proposals. Given the dates of the submitted documentation for the pre-application submission and the prior approval application, along with email evidence, it does not seem that the Council and other stakeholders had sufficient opportunity to engage fully with the pre-application submission.
12. It has been indicated that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. This matter does not alter my findings above with regards to the harm from the proposed mast.

### **Planning Balance**

13. The proposal would bring public benefit arising from the 5G installation including smarter infrastructure and benefits contributing towards environmental benefits; improved connectivity which is essential for future success of the economy, better society, and fulfilling potential of new technologies.
14. The appellant describes the need for the mast to be 20 metres high is essential as the height of the monopole must be sufficient to enable local provision and clear surrounding buildings. In addition, it has been stated that the monopole with 5G also needs to be 20 metre to clear ICNIRP guidelines and thus there is no scope to lower the monopole. There is no clear evidence before me which indicates that the mast cannot be lower than 20 metres for it to remain

operational or meet the required guidelines. There is also an email dated 23 March 2021 which implies that the proposed mast can be reduced.

15. The appellant has submitted a sequential approach on site selection with around eleven sites identified and all were discounted for various reasons including coverage, proximity to residential and insufficient pavement width. Insufficient information, including technical data and relationship with adjoining residential buildings, has been submitted to clearly determine why these other sites were discounted and not appropriate as potential alternative sites.
16. I have had regard to the appellants statement of case including material considerations that contribute to the delivery of sustainability and requirements detailed in the 'Letter to Chief Planning Officers: Planning for Growth'.
17. The proposal would result in public benefits to the area. However, from the evidence before me, I am not convinced that alternative options including other sites or redesign of the proposal have been fully explored. The benefits and matters described above therefore do not outweigh the substantial harm that I attribute to the affects that the proposal would have on the character and appearance of the surrounding area.

### **Conclusion**

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

*Chris Baxter*

INSPECTOR



## PLANNING COMMITTEE

28 July 2021



**Report of:** Assistant Director – Place Management

**Subject:** APPEAL AT 9 ROWELL STREET, HARTLEPOOL  
TS24 0RE  
APPEAL REF: APP/H0724/D/21/3276160  
REPLACEMENT WINDOWS TO THE FRONT  
(H/2021/0118)

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application for the replacement of the existing ground and first floor bay window to front and a single first floor window to front. The existing windows are original timber sliding sash windows, the proposals would see all of these windows replaced with double glazed uPVC sliding sash frames. The appeal is against the decision of the Council to refuse the application.
- 1.2 It was considered that the introduction of windows of non-traditional design and materials would cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information had been provided to demonstrate that this harm is outweighed by any public benefits. It was therefore considered the development detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019. (Report Attached – **APPENDIX 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 284291

E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

## **AUTHOR**

3.2 Laura Alderson  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273

E-mail: [Laura.Alderson@Hartlepool.gov.uk](mailto:Laura.Alderson@Hartlepool.gov.uk)



## Appendix 1

## DELEGATED REPORT

|                       |  |
|-----------------------|--|
| <b>Application No</b> | H/2021/0118                                  |
| <b>Proposal</b>       | Installation of replacement windows to front |
| <b>Location</b>       | 9 ROWELL STREET HARTLEPOOL                   |

PS Code: 21

|   |   |  |
|---|---|--|
| <b>DELEGATION ISSUES</b>  | Neighbour letters:<br>Site notice:<br>Advert:<br>Weekly list:<br>Expiry date:<br>Extended date: | 15/04/2021<br>15/04/2021<br>19/04/2021<br>18/04/2021<br>14/05/2021 |
| <b>1) Publicity Expiry</b>  |   |  |
| <b>2) Publicity/Consultations</b>   |   |  |
| <b>PUBLICITY</b>  |   |  |
| The application was advertised by way of 5 neighbour letters, site notice and press notice, following which no responses have been received.  |   |  |
| <b>CONSULTS</b>   |   |  |
| The following consultation responses were received;   |   |  |
| <b>HBC Heritage &amp; Countryside Manager</b> – The application site is located in the Headland Conservation Area. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.  |   |  |
| When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF). |   |  |
| Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, ‘seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will  |   |  |

need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is considered to be 'At Risk' due to the accumulation of minor alterations, such as changing windows and doors which has impacted on the character of the area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

Planning Committee agreed Policy Guidelines in relation to replacement windows in 2009. Since that time new policy documents have been introduced including the NPPF, in 2012, which was then subsequently updated, and the Local Plan adopted in 2018. It is therefore considered that this policy carries more weight and is the primary consideration when assessing applications for replacement windows.

The proposal is the removal of timber sliding sash windows and the insertion of UPVC sliding sashes to the front of the building.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

UPVC sliding sashes have a different appearance to timber. The framing is usually slightly thicker and there are minor details which differ. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. Furthermore the horns on windows are often an addition, rather than an integral part of the frame. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition as a material it has a smoother more regular surface finish and colour, and the ageing process varies significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time.

Whilst it is noted that windows elsewhere in the street have been altered to modern casements, this would not be a justification for the loss of timber windows in this instance as each case is judged on its own merits. As noted above the conservation area is at risk due to the loss of traditional details, particularly in streets such as this. The removal of surviving timber windows, albeit isolated examples compounds this issue.

The information submitted regarding the condition of the windows is noted, however this in itself is not a justification for their replacement in a modern material as a Planning Inspector noted in an appeal decision in Seaton Carew 2018 (APP/H0724/W/19/3238154), stating, 'the first-floor windows were in poor condition, but there is no evidence before me to suggest that they were beyond repair. Even if this had been the case, it would not justify their total replacement with unsympathetic materials in a design that does not reflect the character of the building or the Conservation Area.'

It is considered that the replacement windows would cause less than significant harm to the designated heritage asset. Timber windows are an important characteristic of the Headland Conservation Area and therefore contribute to its significance. No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

Additional comments following letter of support from applicant – In response to the comments made by the applicant.

With regard to 'public benefit' these should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Recent appeals have assisted in considering how such benefits, along with the state of the windows, as outlined by the applicant, should be considered. Below are extracts from two appeals considered on the Headland in 2020 contesting the installation of UPVC windows in properties.

Ref: APP/ H07242/C/19/3240624, (11 Queen Street) the Inspector stated, 'I acknowledge that it is likely that the replacement windows would bring benefits in terms of better insulation to the property and also that the requirements of the notice

would result in financial loss for the appellant. However I have not been provided with a compelling argument that there are no other solutions available to improve insulation whilst allowing for satisfactory maintenance. A convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm I have identified.'

Ref: APP/H07242/C/19/3240723, (10 Queen Street) the Inspector stated, 'the appellant points out that the previous windows were inefficient, very cold, hard to maintain, attracted condensation and were draughty and rattled whenever traffic passed by. I accept that the new windows are likely to have improved the sound insulation and energy efficiency of the dwelling. However, as the Council's 'Advice on the Repair and Replacement of Windows' document points out, double glazed replacement of existing windows may not be as cost effective as other energy saving measures, and existing windows can be upgraded at a lower cost to bring these benefits whilst still retaining the original features and style which give character to a property. I do not consider that the benefits cited by the appellant could not have been achieved in some other less (or not) harmful way. Therefore I do not consider that the benefits of the development outweigh the 'less than substantial harm' caused by it.'

It would seem that these two cases have direct parallels with this application. The information presented by the applicant does not demonstrate that the public benefits of the solution presented would outweigh the harm caused by the proposed windows.

11/05/21

Following the submission of a second letter of support by the applicant it was confirmed by the Heritage and Countryside Manager that no new issues for consideration had been highlighted.

**Civic Society** – No comments received.

|                                    |   |
|------------------------------------|---|
| <b>3) Neighbour letters needed</b> | N |
|------------------------------------|---|

|                                |   |
|--------------------------------|---|
| <b>4) Parish letter needed</b> | N |
|--------------------------------|---|

## **5) Policy**

### National Planning Policy Framework (NPPF)(2019)

In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually

dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 47: Primacy of the Development Plan

PARA 124: Ensuring good design

PARA 130: Ensuring good design

PARA184: Conserving and enhancing the historic environment

PARA189: Proposals affecting heritage assets

PARA190: Proposals affecting heritage assets

PARA 192: Determining heritage applications

PARA 193: Potential impacts on heritage assets

PARA 196: Less than substantial harm

#### Hartlepool Local Plan 2018

QP4: Layout and Design of Development

HSG11: Extensions and Alterations to Existing Dwellings

HE1: Heritage Assets

HE3: Conservation Areas

## **6) Planning Consideration**

### **RELEVANT PLANNING HISTORY**

There are no relevant planning applications associated with the site.

### **SITE AND SURROUNDINGS**

The application site is a mid-terrace dwelling on the north eastern side of Rowell Street, in a residential area in the Headland Conservation Area.

### **PROPOSAL**

Permission is sought to replace the existing ground and first floor bay window to front and a single first floor window to front. The existing windows are original timber sliding sash windows, the proposals would see all of these windows replaced with double glazed uPVC sliding sash frames.

### **MATERIAL PLANNING CONSIDERATIONS**

The main planning consideration with respect to this application is the impact on the character and appearance of the conservation area and any other relevant planning matters as identified below.

## IMPACT ON CHARACTER OF SURROUNDING AREA

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

As identified in the comments received from the Council's Heritage and Countryside Manager above, Headland Conservation Area derives its significance in part from Victorian domestic architecture with common characteristics, including sliding sash timber windows. The Headland Conservation Area is 'at risk' due to the accumulation of alterations, including the replacement of doors and windows with modern alternatives, which has impacts on the traditional character of the area.

While it is noted the submitted plans are for sash style windows rather than 'mock sash' casements, the change in materials from timber to PVC, the proportions of the windows by virtue of the use of uPVC which is thicker than timber, and therefore the loss of the traditional form of a timber framed window with sashes within and the change to a more uniform and reflective finish, would all still contribute harm to the appearance of the property and wider conservation area.

The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm and that no public benefits had been identified as justification for the harm caused. In response, the applicant has set out what they consider to be the public benefits of the proposals, namely the improved energy efficiency of the building and the reduction in the level of maintenance required which they consider would improve the appearance of the property.

Further comments from the HBC Heritage and Countryside Manager does not consider the points raised amount to substantial wider public benefit, rather than private benefit, citing a number of recent appeal decisions in the Headland Conservation Area where issues such as improved thermal efficiency have not been accepted as overcoming the harm caused, noting that other options other than uPVC windows would have achieved the same benefit without causing the same harm.

In subsequent comments the applicant indicates that they consider the improved safety to pedestrians in the street to be a public benefit, i.e. that replacing the

windows would secure them and prevent the risk of the current windows falling out and potentially harming anyone walking past. Securing the windows could be achieved in a way that would not harm the character of the conservation area – i.e. timber framed windows. It would be a civil matter for the property owner to ensure they did not wilfully neglect the property to the extent it was dangerous to passing pedestrians and this would not warrant granting planning permission for unsympathetic alterations.

The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in harm to the character of the area and therefore a more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area.

The applicant highlights a specific application from a nearby property for replacement uPVC windows. At that time, guidance supported by the Council's Planning Committee allowed for the use of non-traditional materials to non-listed buildings in conservation areas, in certain circumstances. That guidance was from 2009 and has since been deemed out of date (and removed from the LPA's website) and not in line with the principles of national or local planning policy. In changing the stance of the authority in relation to the use of uPVC windows a number of appeals have been successfully defended by the Council in respect to the inappropriate use of uPVC, as set out in the updated comments from the Council's Heritage and Countryside Manager above.

The NPPF requires Local Planning Authorities to seek positive enhancements that better reveal the significance of an area; it is not considered the use of uPVC would achieve this requirement.

While the applicant has sought to address the concerns raised in relation to the need for public benefit to outweigh the identified harm to the heritage asset it is not considered this has been satisfactorily addressed. It is therefore still considered the proposals would cause less than substantial harm to the character and appearance of Headland Conservation Area and are unacceptable in this respect.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

It is not considered that the works carried out have a negative impact on the amenity and privacy of neighbouring occupiers as the proposals would replace windows in existing openings and would not increase the number of windows or their proximity to neighbouring properties. There are no extensions proposed that would have any impact on light or outlook for neighbouring occupiers. Notwithstanding this, it is considered the proposals would detract from the visual amenities of the area to the detriment of the quality of place in the vicinity.

#### RESIDUAL MATTERS

The applicant has identified that the cost of replacing the existing windows in uPVC is substantially less than it would be to do so in timber, while appreciating the concern in this respect, this is not a material planning consideration that would justify the harm identified to the heritage asset and does not therefore warrant approval of the application. The difference in cost is acknowledged, however it should be noted that well maintained, timber windows could be expected to last considerably longer than uPVC alternatives.

## CONCLUSION

It is considered that the introduction of windows of non-traditional design and materials causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019.

## 7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

## 8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

## 9) Alternative Options Considered

No

## 10) Any Declared Register of Interest

No

## 11) Chair's Consent Necessary

N

## 12) Recommendation

**REFUSE for the following reason(s):**

## REASONS

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows to front would cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2019.



**INFORMATIVES**

**1. Statement of Proactive Engagment**

**The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, it is not possible to address this key constraint (impact on the conservation area) in this instance.**

**Author of Report: Laura Alderson**

**Signed: Laura Alderson**

**Dated: 11/05/21**

**Signed: DJAMES**

**Planning Team Leader DC**

**Dated: 11/05/21**

# PLANNING COMMITTEE

28 July 2021



**Report of:** Assistant Director - Place Management

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Running a bakery shop at a residential property in Balmoral Road.
2. The erection of a high fence on the side boundary at the rear of a residential property in Wynyard Road.
3. The erection of a high fence at the front of a residential property in Bilsdale Road.
4. The erection of a high fence at the front of a residential property in Kesteven Road.
5. The untidy condition of the building and grounds at a former bingo hall on York Road.
6. The erection of an outbuilding at a residential property in Oxford Road.
7. The change of use of the first and second floors to a mixed use cafe/social club/treatment centre, installation of dormer windows at the rear, erection of fencing and a timber outbuilding at first floor at the rear, re-roofing, the application of external render to the upper floors, installation of replacement windows and shopfront, and the installation of roller shutters at ground floor at a commercial premises on Murray Street.
8. The erection of a building at a light industrial premises on Mainsforth Terrace.
9. The erection of an extension to the side of a residential property in Elizabeth Way.

10. Non-compliance with a condition relating to parking allocations at a leisure premises at Park View Industrial Estate.
11. The installation of dormer windows at the rear of a residential property on Seaton Lane.
12. The erection of a fence at the front and excavations within the site at a former vehicle hire premises on Seaton Lane.

1.2 Investigations have been completed as a result of the following complaints:

1. The erection of an outbuilding at the rear of a residential property in Butterstone Avenue. A retrospective planning application seeking to regularise the development has since been approved.
2. The erection of a side extension at a residential property in Chaucer Avenue. The side extension has since been removed.
3. Non-compliance with the construction management plan (relates to burning on site) at a residential development site at land at the rear of Milbank Close. Burning on site has now ceased.
4. The erection of a high fence at the rear of a residential property at The Spinney. A retrospective planning application seeking to regularise the development has since been approved.

**2. RECOMMENDATION**

- 2.1 Members note this report.

**3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 284291  
E-mail [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

- 3.2 Tony Dixon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [tony.dixon@hartlepool.gov.uk](mailto:tony.dixon@hartlepool.gov.uk)