

GROUND OFS OF APPEAL

In these Grounds of Appeal we will refer mainly to various comments made in the Delegated Item File Report for the Refusal of the Application as these give the background for the decision to refuse permission. There are several reference to photos in this document. These photos can be found on pages 1 to 4 of document 'Additional plans, drawings or documents relating to the application but not previously seen by the LPA.'

There is reference to Paragraph 152, Repair, of the HEPPG which states that *"Doors and windows are frequently key to the significance of the building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail. Secondary glazing is usually more appropriate than double glazing where the window itself is of significance"*. The current wood door at Hodder Bank is not the original door, it is the third front door since the year 2000, due to having to replace the previous doors for wear and tear.

The windows and doors since the property was converted in the 1980s have always been of modern construction, ie, double glazed, and design. There are also two modern rooflights at the property. The actual spaces that occupy the windows are also not original as the original concrete floor is 3.5 feet under the suspended floor on the main living level.

There is mention of the environmental drawbacks in utilising UPVC materials, particularly in conjunction with minimising pollution as part of sustainable development. To counter this argument we refer to a letter (Page 5 and 6 in 'Additional plans, drawings or documents relating to the application but not previously seen by the LPA') from Mr Nigel Rees, CEO of the Glass and Glazing Federation who took it upon himself to respond to similarly raised issues in an article in the Financial Times on the 23rd March 2012. Within his letter Mr Rees states that PVC-U can be recycled at least 10 times and is therefore more sustainable than alternative materials, and that if looked after properly, can last 40 years or more. Indeed the UPVC windows and doors at Flats 1 to 4 at Hodder Court have been in place now for approximately 30 years and are in excellent condition and yet some of the timber windows at Hodder Court that were installed at the same time have had to be replaced due to wear and tear.

Mention is made of the refusal of Applications for installations of flues for Flats 4 and 5. It should be noted that Flats 4 and 5 form part of the original building at Hodder Court whereas Hodder Bank was built in 1927. The modern style and appearance of Hodder Bank is also in complete contrast to Flats 4 and 5.

Moreover it is mentioned in the Conclusions of the Delegated Item File Report that buildings are shown to occupy the site of Hodder Bank on the 1848 and 1884 Ordnance Surveys. This is slightly misleading as on the 1848 and 1884 Surveys part of the original Hodder Court building occupied less than half the area of where Hodder Bank is now built. The part of the Hodder Court building that was sited on Hodder Bank's current site was demolished and therefore bears no relevance to the current Hodder Bank building. Map 6 clearly shows the 1884-92 map superimposed over the current Ordnance Survey map which evidences that Hodder Bank did not exist in 1884-92.

It is true that there are timber framed windows in the west-facing courtyard, however the majority are of modern double glazed construction. There are also a significant number of UPVC windows on the courtyard elevations, 14 UPVC windows to be exact (some of which can be seen in Photos 2, 5 and 7). There are also two UPVC doors on the courtyard elevation (Photos 5 and 7). It is also stated in the Conclusions that the majority of window

frames and doors in the Courtyard are sympathetic, complimentary and neutral. The doors in the courtyard are predominantly glass and none of the doors have any historical significance or appearance.

Photos 3 and 4 show the windows of Flats 6 and 8, part of the original Hodder Court building, which are also visible from the public footpath. Far from uniform in appearance to the rest of the windows and doors visible from the public footpath, the windows are painted white and the door is painted turquoise green. There is little uniformity to the windows and doors of the buildings at Hodder Court as viewed from the public footpath. Photos 2 to 6 show the variety of windows and doors that can be seen from the public footpath.

Photos 1 and 5 in particular show the white UPVC windows and doors of Flats 1 to 4. It should be mentioned that the white UPVC windows and door of Flats 1 to 4 (photo 1) on the prominent East Elevation of Hodder Court can also be seen from the public footpath as you walk along the River Hodder.

The retrospective listed building consent approved under Application 3/2006/0278 is very relevant to this Appeal. The Application No 3/2006/0278 for 19 UPVC windows and two doors was received by Ribble Valley Council on the 30th March 2006, the decision date was the 4th August 2006, implying that the decision, taking some 4 months to make, was carefully considered at length. The Application was approved with the comment "The works have an acceptable impact upon the character and setting of the listed building."

The delegated item file report for the decision approving the Application No 3/2006/0278 makes the following comments:

"Hodder Place is a grade II listed house, once a preparatory school for Stonyhurst College, now divided into flats. Late 18th Century with early 19th Century additions and later 19th Century extensions (list description). The list description refers to the south front and east façade only"

It should be mentioned here that Hodder Bank was built in the 20th Century, 1927 to be exact. There has been previous doubt as to whether Hodder Bank was actually part of the listing. It took Ribble Valley Council two years to determine that the property was indeed part of the Hodder Place listing. Our initial enquiries as to whether it was listed began around March 2003 when telephone enquiries were made. This was followed by enquiries by letter on the 8th March 2004, 7th July 2004, and the 8th September 2005. It was only on the 2nd February 2006 that it was confirmed that Hodder Bank was part of the listing.

The file report for the decision approving the Application No 3/2006/0278 also makes the following comments:

"Hodder Bank has a modern appearance. The applicants have discussed the property with the original developer and report (10 November 2005) that the house was built around 1927 and was the Infirmary. It was constructed of brick and breeze block with the gable end wall being thermolite block; the house was gutted inside with no internal walls; the concrete floors are the only surviving structures of the building inside"

"Hodder Court (particularly the rear elevation) suffers from modern window installation (uPVC windows and stained timber double glazed)."

"it would appear that the late date of listing has resulted in some loss of character and a re-modelling of this early C20 rear extension to Hodder Place. I am of the opinion that in this instance, given the existing character of this part of the listed building, the use of uPVC

windows does not detract from the character and setting of the listed building to an extent to warrant refusal."

It should be noted that there were also two UPVC doors forming part of this Application No 3/2006/0278 that were approved so the above comment should be taken to mean that the use of uPVC windows and doors does not detract from the character and setting of the listed building to an extent to warrant refusal.

In the Delegated Item File Report for the Refusal of the Application No 3/2012/0792/P the Conclusions state that with regards to the relevance of the decision on 3/2006/0278 that they are mindful that the current proposals relate to the front door which faces the public footpath; however many of the windows and the balcony door for which permission was granted on 3/2006/0278 also actually face the public footpath, as is evident on photo 2. There is also a small UPVC window for which permission was granted on 3/2006/0278 within two feet of the front door and side panel, shown on photo 6. Also, as has already been mentioned from the view of the public footpath there are a number of different styles, colours and construction materials of windows and doors at Hodder Court and very little uniformity.

The permission granted under Application 3/2006/0278 sets a precedent for the allowance of UPVC doors and windows at Hodder Bank, including the front door. We do not believe that this would necessarily set a precedent for the rest of Hodder Court as Hodder Bank can be differentiated by the fact that it was built in the 20th Century and did not form part of the original building in 1884-92. It is also a very modern looking building in appearance, having a balcony, rooflights, modern construction materials, with no original stone features, mouldings or architraves.

Paragraph 165 is mentioned in the Conclusions. There is no loss of significance to the replacement of the front door and frames. They are not original, they currently look modern in appearance and have no historical relevance. In the Conclusions it states that there is no mention in the Application that the existing door requires more than repainting. However in the Application we mention that we have had to replace the front door twice and we have mentioned under 'Durability' in the Design and Access Statement that the front elevation of the house is exposed to the elements and that we have noticed a distinct acceleration of weather damage/degradation to the front door and its frame. Parts of the door and frame are now completely rotten and we have had several door installers examine the door and frame and they have confirmed that the door and frames do need replacing due to rot. In fact when one of the door installers examined the door and scraped away at the rot the wood just broke away leaving a hole in the door. At the moment we have just patched it up with filler and painted it but this is just a short term measure.

Paragraph 178 is mentioned as being relevant in this Application. The installation of a UPVC front door at Hodder Bank would not dominate the property; all of Hodder Bank's other windows and its two other doors are already constructed of UPVC; in fact a UPVC front door would make the property look more uniform in appearance. Bearing in mind the existing character of Hodder Bank a UPVC door in the same woodgrain effect would not be incongruous or look prominent or out of place.

Paragraphs 185 and 186 are also mentioned in the Conclusions. I refer again to the decision on Application 3/2006/0278 where it is stated " I am of the opinion that in this instance, given the existing character of this part of the listed building, the use of uPVC windows does not detract from the character and setting of the listed building to an extent to warrant refusal."