

Appeal Decision

Site visit made on 4 April 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/T1410/W/18/3214271

Flats 1 & 2, 189 Terminus Road, Eastbourne, BN21 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Evans against the decision of Eastbourne Borough Council.
 - The application Ref PC/180752, dated 23 July 2018, was refused by notice dated 26 September 2018.
 - The development proposed is the replacement of windows to Flats 1 & 2 189 Terminus Road to include the insert of uPVC insets into the existing timber outer frame.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of windows to Flats 1 & 2 189 Terminus Road to include the insert of uPVC insets into the existing timber outer frame at Flats 1 & 2, 189 Terminus Road, Eastbourne, BN21 3DH in accordance with the terms of the application, Ref PC/180752, dated 23 July 2018, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Window specifications, annotated photographs and Site Plan & Block Plan all as submitted with the planning application.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

4. The appeal property is a four storey corner terrace in a prominent position in the town centre. There is a restaurant use on ground floor level and flats above. The building differs in style and external materials from its neighbours and is taller than those running along the Seaside Road return. The cross road junction has varied buildings on its corners including some modern edifices. The property is not ornate and has an air of uniformity and functionality which
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is not so common in many other older town centre properties as one moves along its two abutting roads. The proposal is as described above.

5. The Delegated Officer Report and the Conservation Consultation Note both claim this property lies within the Town Centre and Seafront Conservation Area. This would seem to not be the case and may have skewed the decision making. From the plans provided by the Council the Conservation Area reaches its boundary at the adjoining No 3 Seaside Road. I fully appreciate that one must consider the setting of a Conservation Area but there clearly is a difference in the way one might handle a judgement given the correct facts.
6. Nevertheless it is pertinent that there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Core Strategy Policy D10a and Policies UHT1, UHT4 and 15 of the Borough Saved Policies are cited in the Decision Notice. Taken together, and amongst other matters, these call for opportunities to be taken to conserve and enhance Heritage Assets, for development to achieve a positive contribution to townscape character and to be protective of local distinctiveness, and for schemes to embody appropriate materials.
7. I noted that window materials do vary in the locality. The appeal site, whilst terraced, is not read as a particularly coherent whole with other properties and consistency of materials would not necessarily be important in these circumstances. In my opinion the qualities of the Conservation Area would not be reduced by the scheme before me. The building itself would continue to stand proud and the windows are a part of this but are not fighting with or seeking to compliment any great or subtle detailing. There is much activity and variety of period, scale and use at this junction and I do feel that uPVC insets here, of the sympathetic style proposed, will not catch the eye, be jarring on it, or detract from the aesthetic qualities of the area or this building. There will be no degrading of the setting to the Conservation Area or the inherent qualities within its boundaries.
8. Given all of the foregoing I conclude that the change in windows proposed would not be contrary to the aims of Section 72(1) and would not conflict with the development plan policies which I refer to in paragraph 6 above.

Conditions

9. The Council reasonably suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. The proposed condition for 'visual amenity' requiring the scheme to be constructed in its entirety as a single development and not broken into piecemeal developments is not necessary, suitably precise, or enforceable in my opinion.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR