



Appeal Decision

Site visit made on 4 April 2019

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2019

Appeal Ref: APP/T1410/W/18/3214333 40-48 Seaside Road, Eastbourne, BN21 3PB

- 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 Hars Properties against the decision of Eastbourne Borough Council.
 - The application Ref PC/180619, dated 29 May 2018, was refused by notice dated 25 September 2018.
 - The development proposed is the replacement of existing windows with Rehau Heritage windows at the flats above 40-48 Seaside Road, Eastbourne, BN21 3PB.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal properties are mid terrace and comprise of four storeys which has commercial use at ground floor level and residential above. The façade of this Edwardian stretch, most particularly at upper levels, is of an interesting and finely detailed form with distinctive fenestration. Like most windows in the immediate vicinity the material used is painted wood. It is clear some maintenance work would be beneficial on this prominent building which plays a key role within the character and aesthetics of the area. The proposal is as described above with the planned windows being sliding sash in uPVC material.
 4. The appeal property is a Building of Local Interest (BLI) and lies within the Town Centre and Seafront Conservation Area. 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 also relevant to the case. 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. The Eastbourne Townscape Guide SPG reflects these policies and, as well as seeking to safeguard locally listed
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buildings, is discouraging of changes to materials of windows in Conservation Areas particularly where elevations are not hidden.

5. I noted that window materials do vary in the locality and I am aware of various planning application and appeal decisions which for a number of reasons, provided or otherwise, endorse a move away from timber in certain instances. However I see no reason to draw upon those when they are quite different in location, style of window or building design and when in any event I must determine this case on its own merits. The appeal site is part of a longer terrace and aiming for coherence and consistency of materials would be important along this frontage.
6. Timber is used on the terrace and the site lies within part of the Conservation Area which mainly has timber as the window material. It seems to me that a prominent BLI frontage (which in this instance stretches beyond the appeal site) within a Conservation Area must be a property and a locality where one should take utmost care and seek to encourage sensitive restoration and prevent inappropriate change. The proposed replacements may well be of good quality but in my opinion their use here would be noticeable and would be a retrograde step and dilute local heritage attributes. Furthermore it would be very difficult to argue against such further change on the rest of the terrace which would lead to cumulative eroding effects for the terrace and the Conservation Area. The introduction of modern ubiquitous material, however well it was moulded, would not be characteristic of this key building and its appearance or the period background and general townscape context.
7. Given all of the foregoing I conclude that the change in windows proposed would be contrary to the aims of Section 72(1) and would conflict with the development plan policies and SPG which I cite in paragraph 4 above.

Other matters

8. I sympathise with the Appellant's wish to replace the existing windows which are clearly in need of attention in parts. I understand the point about longevity and the wish to avoid maintenance inconvenience and costs albeit I am not persuaded this should be surmised as an enhancement of the Conservation Area. I do appreciate the insulation benefits embodied within the scheme and hope that other means can be found to achieve this and trust that the Council will be helpful in that regard. I can see that thought has been given in the selection of the specific replacements in sash operation and in some details that would be more akin to the originals than many other options. I am aware that this type of window has been permitted elsewhere in the Conservation Area. However, as I indicate above very few cases are alike. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these.
10. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public

benefits there would be would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the BLI and Conservation Area which I have identified.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR