

<b>App.No:</b> 150965	<b>Decision Due Date:</b> 8 November 2015	<b>Ward:</b> Devonshire
<b>Officer:</b> Neil Holdsworth	<b>Site visit date:</b> 15/10/2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 16 October 2015		
<b>Neighbour Con Expiry:</b> 16 October 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To report to planning committee.		
<b>Location:</b> The East Beach Hotel, 23-25 Royal Parade, Eastbourne		
<b>Proposal:</b> Retention of existing UPVC windows to front (south east) and side (south west) elevations (retrospective).		
<b>Applicant:</b> Miss Heidi Cowderoy		
<b>Recommendation:</b> Refuse permission on design grounds.		

### **Executive Summary:**

This item was deferred from the planning committee meeting agenda on 24<sup>th</sup> November 2015 to enable members to undertake a site visit. This site visit has now taken place and the application is reported back to committee for a decision.

This application seeks retrospective planning permission to retain a number of UPVC windows installed on the front and side elevations of the East Beach Hotel, 23 – 25 Royal Parade.

This Victorian building is designated as a building of local interest in the Eastbourne Townscape Guide and falls within the Town Centre and Seafront Conservation Area.

Because of the materials used, the scale and detailed design, the windows that have been installed are considered to detract from the character of the host building and have a detrimental impact on the surrounding conservation area. It is recommended that the planning application is refused, and an enforcement notice served requiring the installation of replacement timber windows.

## **Relevant Planning Policies:**

### National Planning Policy Framework 2012

1. Building a strong, competitive economy
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

### Eastbourne Core Strategy Local Plan Policies 2013

Policy B2 Sustainable Development

D10 Historic Environment

D10A Design

Development Quality

Building Frontages and Elevations

### Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of new Development

UHT4: Visual Amenity

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT15: Protection of Conservation Areas

UHT18: Buildings of Local Interest

### Supplementary Planning Guidance:

Eastbourne Townscape Guide (Adopted 2004)

### Enforcement Policy Statement 2015

Document that outlines Eastbourne's policy and approach in relation to planning enforcement related powers/procedures and actions.

## **Site Description:**

The East Beach Hotel occupies a corner position on the seafront on the junction of Royal Parade and St Aubyns Road. It is in use as a hotel.

## **Relevant Planning History:**

### 150358

Two storey side extension to form new WCs and enlarged managers accommodation. Single storey extension at rear to form new office.

Planning Permission approved conditionally

13/05/2015

## **Proposed development:**

This application seeks permission to retain the replacement UPVC windows that have been installed on the premises without planning permission.

## **Consultations:**

### Internal:

#### Conservation Area Advisory Group

At a meeting on 6<sup>th</sup> October 2015 the Conservation Area Advisory Group expressed a concern that the replacement UPVC windows installed are out of keeping with the surrounding area.

### Specialist Advisor (Conservation):

Objection. Replacement of windows has resulted in loss of historic fabric. UPVC windows detract from the significance of the building and have a harmful impact on the immediate and wider area.

### External:

The Eastbourne Hospitality Association (EHA) Support the proposal and their full response is included below:-

1. *The EHA represents the interests of a large majority of the accommodation providers in Eastbourne who offer tourist accommodation. The EHA also has a number of members whose businesses are either directly or indirectly within the tourism industry. The EHA was set up originally as the Eastbourne Hotels Association over 90 years ago and has always striven to contribute positively to the important tourism economy that provides so many jobs in the town.*

### **OBSERVATIONS**

2. *The EHA welcomes the opportunity as a "Major Stakeholder" to make observations in this planning application.*

3. *We support this application to retain the PVC windows at the East Beach Hotel and we can fully understand why the owner decided to put them in without first seeking permission from the planning authority.*

4. *Our properties have to face increasingly strong weather as storms and winds on our shores become more frequent and stronger. Whether this is due to global warming is an argument for environmentalists to have. The fact of the matter is though that our seafront properties, which are premium and are key to the success of our tourism economy, must be fit for purpose.*

5. *We also wish to remind the committee that THERE IS NO POLICY LOCALLY OR NATIONALLY THAT PROHIBITS PVC WINDOWS IN A CONSERVATION AREA. There is only National "Guidance" and with respect this guidance is more directed at truly historic buildings that are protected and are of unique character. It is submitted that the East Beach, although an attractive property, does not have such a high status. Whilst we*

*appreciate that it appears somewhere on some "local list" that was created in 2014 – what we say about this is that as an industry we don't even know about the existence of this list, we have never been consulted about such a list and we question the weight and legality of such a list? To place a privately owned building on such a clandestine list seems to us to be completely extreme and after this planning case has concluded we will be asking more about this list, its legal status and how it came about.*

6. *There has been complete inconsistency over recent years from the planning department in relation to PVC windows and if one looks at the seafront you will see that this inconsistency continues in the permissions granted for windows. We understand that the reason why this hotelier felt the need to take urgent action was a) because of the lack of a consistent approach and b) because the windows were getting so bad that there was little choice. The cost of wooden windows in comparison is six fold+ the cost of a PVC window when in actual fact the wooden framed windows are on the whole ineffectual.*

7. *In case the planning committee are unaware, the local tourism industry, although strong is in a gradual decline. Although occupancy remains healthy room rates are dropping owing to the expansion of the Online Travel Agent market, the uncompetitively high VAT rate compared to European destinations and the introduction into the town of brands such as Premier Inn. This coupled with the increased costs of heating, lighting, food and wage costs means that margins are at an all-time low.*

8. *There comes a time it is submitted when these factors coupled with environmental concerns have to take precedence over having "wooden framed windows just because our Victorian forefathers made them" and we must be able to invest in our properties with the long term in mind. Many hoteliers in this town want to invest in this way into their properties but again the attitude, or at least the perceived attitude, against PVC on the seafront prevents it.*

9. *The issue we have been advised by your head of planning is whether the works are in keeping with the building. You cannot it seems to us simply object because it is PVC. As the Planning Inspector in the Claremont appeal in 2014 observed; "The Council appears to have permitted the use of material in other buildings within the conservation area". The fact therefore that this has been permitted in other properties IS therefore a consideration. Also the Inspector suggested in her judgment that a matter that can be taken into account is the fact that the change in the material of the windows is crucial to the business' on-going viability (paragraph 17). Furthermore she suggests that the harm caused by the installation of the windows to the building has to be "substantial".*

10. *We submit having looked at the building before and after that the alterations that have been made have made a significant improvement to*

*the building. The proportions of the front elevation have not been altered by the replacement windows in any way and we suggest that the rhythm and hierarchy of the fenestration has been maintained.*

*11. The front porch has never in fact looked better – remembering of course that this would have been an add on any way and was not part of the original building.*

*12. There have been advances in the quality of PVC windows in recent years and the quality of the finish. We suggest that these windows are of sufficient quality.*

*13. We also make this closing point. The fact of the matter is that the average tourist does not study with a fine toothcomb each individual window from the outside. The tourist who stays wants to be able to open the windows with ease when traditional wooden sash is too heavy. Provided (as the Inspector said in her comments) the overall flow of the building is not effected that is what is important.*

*14. We urge you to permit this application.*

### **Neighbour Representations:**

58 Neighbouring residents were consulted as part of this application.

One objection was received on the grounds that the materials of the replacement windows are out of character with the surrounding conservation area.

28 Letters of support have been received from residents and businesses in the surrounding area. The letters raise the following points as reasons to support the application:

- It is submitted that the UPVC windows that have been installed improve the appearance of the building and protect the rhythm and fenestration of the building.
- The previous timber windows were beyond economic repair, and the cost of painted timber replacement windows would be prohibitively expensive.

### **Appraisal:**

This application seeks permission to retain a number of UPVC windows installed to the frontage of the East Beach Hotel, 23-25 Royal Parade, Eastbourne. The applicant has additionally installed a UPVC framed conservatory at ground floor level. Whilst this is not part of the retrospective application, this report seeks authorisation for an enforcement notice to be served requiring removal of this structure and its replacement with a timber framed unit.

The building is not listed, although it is located in the Town Centre and Seafront Conservation Area. It is designated in the Eastbourne Townscape Guide (Supplementary Planning Guidance) as being a building of local interest. The installation of the UPVC windows on these premises has been the subject of ongoing enforcement action by the Council following on from their installation earlier in 2015.

### **Conservation and Design issues**

The windows on the East Beach Hotel are considered to be important architectural features on this unlisted building that define its appearance and how it is read in the surrounding townscape context. Prior to the installation of the unauthorised UPVC windows the building predominantly had characteristic single glazed timber sliding sash windows. The materials, design features, method of opening and glazing pattern were all features that helped to define the external appearance of this substantial Victorian building. The larger glass panels on the first and second floor levels were a reflection of the importance originally assigned to the first and second floor levels of this building in terms of the overall hierarchy of rooms within the building itself.

Whilst there are a number of examples of UPVC windows that have been installed within buildings on the seafront within Eastbourne, in this case the building is part of a townscape group where very few of the original timber sash windows have been replaced, from first floor level upwards. The Langham Hotel (43-49 Royal Parade) has replaced some of the front windows with double glazed timber framed sash windows, and to the rear replica sash windows have been installed with UPVC frames. The windows that have been installed on the Langham replicate the design of original timber sash windows and many of their original features, and in longer views differ little in appearance to the single glazed timber sash windows they replaced.

The replacement windows that have been installed at the East Beach Hotel are characteristic examples of modern UPVC windows, and clearly perceived as such in both short and long views. The frames are considerably larger and the opening mechanisms differ, opening outwards as opposed to a traditional sliding sash mechanism. Features such as the decorative horns are not replicated in the new windows. The result is windows with an alien and contemporary appearance, resulting in the loss of historic status and interpretation of this building, the group of buildings it sits within, and the wider seafront.

National Planning policy places a great importance to good design and the conservation of the historic environment. Within the saved policies of the adopted Borough Plan, Policy UHT 15 requires that development must preserve or enhance the setting of a conservation area and UHT18 states that proposals which would adversely affect the character or appearance of buildings of local interest will not be permitted. For these reasons the windows that have been installed are considered contrary to national and

local policy, and are unacceptable in principle in design and conservation terms.

## **Other matters**

### **Precedents**

The applicant draws attention to a number of other premises east of the pier which have installed replacement UPVC windows. It is acknowledged that there are examples of UPVC replacement windows installed along the seafront to the east of the pier, along Grand Parade and Marine Parade. In previous decisions the Council have consistently sought to ensure the windows are made from timber, or are otherwise high quality UPVC replacements that accurately reflect the design of the original timber sash windows.

Under planning law windows that have been installed for a period of more than four years on unlisted buildings become immune from enforcement action and therefore lawful. Whilst some windows that have been installed differ from the planning approval, or have been installed without planning permission, these instances are not considered to form a precedent for further unsympathetic alterations to buildings further along the seafront. Taking account of the comments from the Conservation Area Advisory Group, it is considered that in prominent locations such as this timber sliding sash windows form an important part of the Victorian character of the conservation area. It is recommended that their replacement with modern UPVC variants be resisted, where it is possible and expedient to do so through the exercise of planning controls.

### **Economic and Environmental issues**

The applicant also states that any harm created by the installation of these windows is outweighed by the fact that the installation of the windows enable the building to be used in its original and optimum viable use, maintain and strengthen the contribution of the hotel to the wider tourist industry and economy of the town, and would reduce the demands of the hotel on the environment, making reference to the tests in paragraph 134 and 135 of the National Planning Policy Framework.

In this case, however, the harm created by the replacement windows to the heritage asset and surrounding conservation area is considered to outweigh any environmental or economic benefits of the proposal. It is considered in the specific circumstances of a landmark building such as this, the broader public interest is served through the conservation of the historic environment, with its associated economic and social benefits including the wider regeneration of the Devonshire Area.

## **Other works**

The applicant has additionally installed a replacement UPVC conservatory to the front elevation of the building at ground floor level. The conservatory has been constructed with a thick UPVC frame which replaced a slimline timber frame. The resulting structure is more dominant feature that visually dominates the host building, with the UPVC frames being very prominent features. As a result, the replacement conservatory is considered to have a detrimental impact on the appearance of the building and the surrounding conservation area. It is recommended that enforcement action is taken to require the removal of this structure and its replacement with a timber framed conservatory.

To the rear of the building the applicant has replaced a number of original sash windows with UPVC windows without planning permission. In this case the windows are read in the context of a secondary elevation, and there are many other examples of UPVC windows in the surrounding townscape along St Aubyn's Road and Hampden Terrace. Whilst the loss of historic fabric is regrettable, it is not considered expedient to pursue enforcement action in respect of these windows, as they do not have a significant impact on the character and appearance of the building or the conservation area in which it is located.

## **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

## **Conclusion:**

It is recommended that the application to retain the UPVC windows is refused on conservation and design grounds, and an enforcement notice served requiring replacement timber sash windows and conservatory to be installed on the front elevation.

## **Reason for refusal**

Planning Permission is Refused and Enforcement Action authorised for the following reason:-

Because of its bulk, materials, method of opening and detailed design the replacement UPVC windows would detract from the setting and appearance of the building of local interest and the Town Centre and Seafront Conservation Area. This is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2012; Policies B2 (Creating Sustainable Neighbourhoods) D10 (Historic



Environment) and D10A (Design) of the Core Strategy 2013; and Saved Policies UHT1 (Design of New Development) UHT4 (Visual Amenity) UHT15 (Protection of Conservation Areas) and UHT18 (Buildings of Local Interest) of the Eastbourne Borough Plan 2001-2011.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.