

Appeal Decision

Site visit made on 3 October, 2016

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October, 2016

Appeal Ref: APP/M3835/W/16/3153127

Kingswood Home, 140 Heene Road, Worthing, West Sussex, BN11 4PJ

- 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 Mika Ramful against the decision of Worthing Borough Council.
 - The application Ref AWD/1675/15, dated 15 November 2015, was refused by notice dated 29 February 2016.
 - The development is the change of windows to west and north elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Heene Conservation Area.

Preliminary Matter

3. Notwithstanding the description of the development above, which is taken from the application form, I saw during my site visit that replacement uPVC windows have been installed throughout the building. Nonetheless, the planning application, which is now the subject of this appeal, only relates to the north and west elevations. I am advised that the Council has served an Enforcement Notice in relation to the windows in the north and west elevations, for which there is a separate enforcement appeal in progress Ref APP/M3835/C/16/3153129. That appeal will be the subject of a separate Decision.

Reasons

4. 140 Heene Road is an imposing detached building situated on the corner of Heene Road and Manor Road, within the Heene Conservation Area (HCA). A plaque on the building dates it to 1906. The building, which has been somewhat extended and altered from its original form, is identified as a Local Interest Building and makes a prominent and positive contribution to the character and appearance of the area. It is currently in use as an older persons' care home.
 5. This part of the HCA is characterised by a mix of Victorian and Edwardian buildings, some of which, like No 140, are substantial in size. Many properties are set behind a combination of boundary walls and hedges, and mature trees also feature in many gardens in Heene Road and contribute to the established character there. Timber windows in traditional styles are evident in most
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buildings in the locality, albeit there are some uPVC replacements visible from the road, including in the front elevation of neighbouring 138 Heene Road.

6. It is proposed to retain the replacement uPVC windows that have been installed in the north elevation (facing Manor Road) and the west elevation (facing Heene Road). All windows in both elevations have been replaced in uPVC. On the basis of evidence submitted by the Council it appears that the windows were formerly traditional timber framed sliding sash and leaded casements, which would have been typical of the majority of windows still present in other buildings in the vicinity.
7. The Council's Conservation Area Appraisal (CAA) notes that the Victorian and Edwardian buildings in the HCA generally have regularly positioned, white painted, vertical-sliding timber sash windows and in addition there are often smaller timber-framed casements. It also notes that the replacement of such timber framed fenestration with uPVC has greatly detracted from the character of some buildings, particularly where leaded lights have been used to replace plain sashes. Accordingly the CAA identifies the retention of original fenestration as one of a number of potential opportunities for the enhancement of the HCA, and specifies that any replacements should be of appropriate design and materials.
8. I note the appellant's contention that replacement windows were required because many of the original windows had been sealed so that they did not provide adequate ventilation. I also accept that some endeavours were made to use openings of similar sizes to the original windows and to install replacements intended to complement adjacent properties. Nonetheless, for the following reasons I consider that the design and materials used are not appropriate for the host property and so have failed to achieve that outcome.
9. The uPVC frames and profiles are conspicuously thicker than the original timber windows and a number of former details are notably missing or altered in the replacements. In particular, leaded panes have been replaced by white uPVC Georgian style glazing bars, installed inside the double glazed units. Each of the replacement windows appears heavy and inelegant in comparison to the originals. Accordingly, the development has resulted in an unacceptable loss of traditional character and has a significant detrimental effect on the character and appearance of No 140 and the wider street scene in the HCA.
10. I conclude that the replacement windows in the north and west elevations are harmful the character and appearance of No 140, to the detriment of its historic and architectural integrity as a Local Interest Building. The development therefore conflicts with Policy 16 of the adopted Worthing Borough Council Core Strategy 2011 (CS), which among other things seeks to ensure that development demonstrates good quality design and use of materials that take account of local physical, historical and environmental characteristics, including detailing.
11. In light of my reasoning above, I further conclude that the development fails to preserve or enhance the character or appearance of the HCA. It is therefore contrary to the expectations of the National Planning Policy Framework and adopted Policy 16 of the CS, which among other things seeks to ensure that buildings which represent the historic character of Worthing should be maintained, and existing assets would be preserved and enhanced. However, I quantify the extent of this harm to the HCA as being less than substantial in the context of paragraphs 133 and 134 of the Framework because the proposed development resembles the original windows to a limited degree.

12. I recognise there are some associated benefits arising from the replacement windows, including improved ventilation compared to the originals. However, such benefits are limited in their scope as public benefits and there are other strategies available to achieve this outcome without removing traditional windows. Accordingly, these benefits do not outweigh the harm to the character and appearance of the HCA that I have identified.

Other Matters

13. Planning permission has previously been granted in relation to No 140 for a replacement porch, access ramp and conservatory Ref AWDM/1241/14 and a single storey extension and dormer Ref AWDM/0280/15. The conservatory was shown, and has since been constructed, with uPVC windows. The Council's report at the time noted that a number of windows had been replaced with uPVC in the host building and others nearby. However, in that case the conservatory was to be set back and well screened from the road and so the Council considered that the use of uPVC for the conservatory would not adversely affect the character or appearance of the Local Interest Building within the Conservation Area.
14. A condition was imposed on the second permission requiring the external materials to match, which the appellant appears to have taken to indicate that uPVC windows should be used. The appellant also advises that he was unaware that planning permission would be required for the various replacement windows installed. While these factors may provide some explanation of the circumstances pertaining to the installation of the replacement windows, they do not outweigh the harm to the character or appearance of the HCA that I have identified above.
15. My attention has also been drawn to some other examples of uPVC windows installed at nearby properties. I accept that there are examples of such replacements having been installed, but the individual circumstances of these cases appear to vary. However, I consider that these other examples are clearly distinguishable from the traditional timber examples. Accordingly, rather than support the appeal proposal, they further demonstrate the material harm that can be caused to character and appearance by replacements of this kind. I am therefore not persuaded that the presence of uPVC windows in these other cases adds any significant weight in favour of allowing the appeal and furthermore, I have considered this appeal on its own merits.
16. I note that concern has been raised that the sustainability of the care home business may be called into question if the uPVC windows are not allowed and that any reinstatement to more traditional windows may cause disturbance to elderly and vulnerable residents. However, there is no significant evidence before me to substantiate these claims and accordingly I am only able to attribute a little weight to these matters, which is insufficient to outweigh the harm to the character or appearance of the HCA that I have identified above.

Conclusion

17. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR