



Appeal Decision

Site visit made on 20 August 2019

by Christopher Butler BA (Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/T1410/W/19/3226816

Flat 1, 17 Enys Road, Eastbourne, East Sussex BN21 2DG

- 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 Ms S. Curno against the decision of Eastbourne Borough Council.
 - The application Ref PC/180933, dated 10 September 2018, was refused by notice dated 29 January 2019.
 - The development proposed is the replacement of 2 sets of front French doors.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The documents / plans accompanying the application made in September 2018 (the original scheme), as identified by the Council by being attached to their decision letter are: an un-numbered drawing of a door entitled 'Curno Proposed Doors 1:20"; un-numbered drawing of a door entitled 'Curno Existing Doors 1:20"; and four photographs of existing French doors being: i) A photograph of the two sets of French doors proposed to be replaced; ii) A photograph of one pair of the French doors proposed to be replaced; iii) A close up photograph of existing French doors showing a handle and transom bars; and iv) A close up photograph of existing French doors showing the top portion of the French doors and the fan lights above.
3. The appellant's statement of case, submitted with their appeal, refers to scaled drawings being attached. It states "*As the attached scale drawings show, the proposal is to replicate the existing doors as closely as possible. There are minor differences in the frame dimensions which are clearly stated.*" The Council in their response have advised that the "*Drawings submitted within the statement of case were not provided to the local planning authority as part of the original application.*"
4. Published procedural guidance¹ is clear that the appeal process should not be used to evolve the scheme. While I note that no representations were received from interested parties on the original scheme, the new documents / plans not previously seen by the Council and submitted with this appeal provide more detail, but in the absence of consultation with interested parties, especially the Council's Conservation Specialist, I do not consider it is appropriate to consider the new documents / plans in this case.

¹ Procedural Guide 'Planning Appeals - England 2018'

5. Accordingly, I will determine this appeal on the basis of the original scheme which was considered by the Council and on which interested parties' views were sought.

Main Issue

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

Reasons

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. It states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
8. The appeal site comprises a ground floor flat within a mid-terraced, three storey building in the Upperton Conservation Area (the UCA). The UCA is characterised by its coherent layout with wide, straight or gently arcing tree lined avenues, open and closed vistas and wide pavements. The appeal property lies within the centre of three terraces, which consist of Nos 1-45 and are buildings of local interest, with Nos. 15 to 27 (odd) being built in 1877 in a classical style with projecting bays, which was a common stylistic conceit designed to give a terrace the appearance of being a single classical country house.
9. The terrace as a whole is distinguished by its use of decorative cast-iron features; the end-of-terrace houses have cast-iron porticoes with barley-twist mullions, and French doors open out onto ornate cast-iron balconies (which are also present on the canted bays to the centre and end blocks) and verandas. The sash windows and French doors that are constructed of traditional materials add to the distinctive nature of this terrace. These original features also assist in the terrace retaining its sympathetic design, scale and proportions and they enhance the overall character of the building within the UCA.
10. The appellant indicates that many of the original windows and French doors within the wider terrace have already been lost having been changed with UPVC replacements and as such they consider the character of the building and area generally has already been eroded in this regard. As such they argue that the replacement of the French doors, the subject of this appeal, will not erode the building or the character of the area further.
11. I noted the presence of UPVC windows and UPVC French doors within a good proportion of the wider terrace. However, no evidence has been provided to me that indicates that the other UPVC windows and French doors installed in the area have the benefit of a planning permission or otherwise. Their presence is not in itself sufficient justification to allow the replacement of the current timber French doors with new doors that, as detailed in the submitted un-numbered drawings, lack the refined proportions and detailing that exist in the current traditionally constructed French doors.
12. Indeed, as highlighted by the Council's Conservation Specialist, the proposed replacement French doors would have a very flat aspect that presents in a significantly different way to the original French doors and I do not disagree with the Council's Conservation Specialist in this regard. To allow the

introductions of replacement French doors of this design into the fenestration of the area would be harmful to the setting of the UCA.

13. Whilst UPVC windows and UPVC French doors have been installed in a good proportion of the wider terrace, I noted that the appeal property and several others in the terrace retain wood sash windows and French doors of traditional construction. These retained features of traditional construction make a positive contribution to the building and the UCA overall and further loss of them would not preserve this building of local interest or the wider UCA, which are heritage assets of significance. I have seen no reasoned justification as to why further erosion of this impressive terrace, through the loss of the existing wooden French Doors to Flat 1, should be allowed
14. I conclude, therefore, that the development will not preserve or enhance the character or appearance of the UCA or the building of local interest, in conflict with Policies D10 and C2 of the Eastbourne Core Strategy 2013 and saved Policies UHT4, UHT15 and UHT18 of the Eastbourne Borough Plan 2003 which amongst other criteria seek to preserve or enhance heritage assets, including buildings of local interest and conservation areas, and conserve and enhance the public realm.
15. In finding harm in respect of the significance of a heritage asset, paragraph 196 of the National Planning Policy Framework (the Framework) sets out that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, I consider the harm arising from the development would amount to less than substantial. This being the case, in accordance with paragraph 196 of the Framework, it should be weighed against any public benefits of the proposal.
16. I note the environmental benefits of the energy saving characteristics of the UPVC French doors and the fact that they are likely to be weather tight and draft resistant. Furthermore, I noted on site the relatively poor condition of the paintwork to the existing French doors and that UPVC replacements would be easier to maintain and would reduce the level of maintenance required. However, maintenance is essentially a private matter and not a public benefit and, notwithstanding the current condition of the paintwork, I find that the replacement of timber frames with unsympathetic UPVC would have a harmful effect when viewed from the public realm such that no public benefit would arise.
17. I also recognise the appellant considers the harm to the heritage asset has already occurred with other windows and French doors within the terrace having been changed with UPVC replacements. However, for the reasons given above, the existence of unsympathetic development elsewhere does not amount to a justification to allow further similar alterations and the existence of other UPVC frames does not constitute a public benefit in favour of the proposal. Nevertheless, great weight is to be given to these heritage asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Even were I to agree that the level of harm would be at the lower end of 'less than substantial', which I do not, I still afford great weight to that harm.

18. Consequently, I find the public benefits collectively do not outweigh the great weight to which I afford the harm to the designated heritage assets. To that end, the balance of paragraph 196 of the Framework falls against the development.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Christopher Butler

INSPECTOR