
Appeal Decision

Site visit made on 10 September 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/P1425/D/19/3233437

73 Western Road, Lewes, BN7 1RS

- 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 Robertson against the decision of the South Downs National Park Authority.
 - The application Ref: SDNP/19/02293/HOUS dated 11 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is described on the application form as 'Permission to change the wooden framed large fronted ground floor window to a uPVC window to match the existing uPVC cladding currently in place above this existing window. Currently this window does not open and therefore there is no ventilation in the main living area of our home. The application is to include three small opening windows at the top of the new uPVC window to provide much needed ventilation. The council property directly opposite has uPVC windows already in place as do several others within sight of the front of our property. The uPVC frame would match the uPVC cladding already in existence, but this is also cladding that has been in existence already for a number of years. This request to only alter the large front ground floor window and not to alter the first-floor wooden framed window'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the location of the appeal property within the Lewes Conservation Area and the South Downs National Park.

Reasons

3. Western Road is the main approach into the centre of Lewes from the west and is lined by terraced housing of varied form and appearance in the vicinity of the appeal property. No. 73 Western Road is one of a terrace of four small historic properties set back from and slightly down from the road within a longer terrace. It is not listed but is within the Lewes Conservation Area and Lewes is within the South Downs National Park.
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the

impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. Section 62 of the Environment Act 1995 places a duty on public bodies to have regard to the purposes of National Parks in exercising or performing any functions in relation to or so as to affect land within a National Park. The first purpose of National Parks is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area comprised in the National Park. Paragraph 172 of the Framework explains that the conservation and enhancement of cultural heritage should be given great weight in National Parks.
6. The Lewes Conservation Area covers an extensive area reflecting the rich history of the town. As such it includes a large number of historic buildings which, although not listed, nevertheless contribute to the special architectural and historic interest and character and appearance of the Conservation Area. Traditional architectural details, such as wooden framed windows, make a positive contribution to the significance of the Conservation Area.
7. No. 73 is part of a terrace with a traditional wooden framed bay window to the first floor of the front elevation. As such, it makes a positive, albeit modest, contribution to the character and appearance of the Area. However, that contribution is diminished by the large box window at ground floor level reflecting the previous use of the property as a shop. Above the window and extending the full width of the property is a section of uPVC cladding. Due to the size of the window relative to the modest proportions of the dwelling and the form, appearance and non-traditional material of the cladding, both the window and cladding detract from the character and appearance of the property and are negative features in the street scene and Conservation Area.
8. The proposed development would comprise the replacement of the ground floor window with a new double glazed, uPVC framed window with three opening sections along the top. The Authority considers the replacement of the window to be acceptable in principle and, indeed, a potential opportunity to improve the appearance of the property. The replacement of the window with one the same size would itself have a neutral impact on the character and appearance of the Conservation Area.
9. However, the proposed use of uPVC as a non-traditional material would further detract from the character and appearance of No. 73 and the Conservation Area. I note the objections to the use of uPVC from the Friends of Lewes and the occupiers of two nearby properties and the regret at the proposed use of plastic expressed by Lewes Town Council. Although it would reflect the existing cladding in colour and material, I have identified that this itself is harmful to the character and appearance of the property and Conservation Area and as such it does not justify the further harm that would result from the proposal.
10. The appellant contends that a number of other properties in the vicinity of the appeal property have uPVC windows, including the property directly opposite, which I confirmed during my site visit. However, I also noted that many properties in the vicinity have wooden framed windows, including Nos. 69, 71 and 75 Western Road, which are the other three properties in the small terrace of which the appeal property is part. Furthermore, the examples of the use of uPVC elsewhere have not persuaded me that it is an appropriate material for

historic properties within the Conservation Area. Accordingly, I do not consider that the other uPVC windows in the locality justify the proposed development.

11. The appellant also contends that improvements have been made in plastic window design in recent years and that the detailed drawings indicate that the proposed window would be 'slim and elegantly proportioned'. Whilst I do not dispute the appellant's first point, the drawings that have been provided to me are not sufficiently detailed for me to satisfactorily assess the proportions of the proposed window and frame, notwithstanding the appellant's contention that the proposal seeks to replicate the existing design of the window. Even if the window was to be elegantly proportioned this would not overcome the fact that uPVC is a non-traditional material for historic buildings.
12. Furthermore, it has not been demonstrated to me that an appropriately designed, double glazed window with a more sympathetic wooden frame could not be installed in the property. This would provide increased energy efficiency as well as being of a more acceptable appearance.
13. I acknowledge that other properties in the street have different architectural detailing due to alterations and that the existing wooden framed window at first floor level would be retained. Nevertheless, the proposed development would fail to preserve or enhance the character or appearance of the Lewes Conservation Area.
14. I therefore conclude that the proposed development would be contrary to the aims and objectives of Policies SD5, SD12 and SD15 of the South Downs Local Plan. These policies seek, in summary, to achieve sensitive and high-quality design, conserve and enhance the historic environment and preserve or enhance the character or appearance of conservation areas.
15. It would also conflict with the statutory duties regarding conservation areas and National Parks and be contrary to paragraphs 172 and 193 of the Framework. In terms of the Framework, I consider the harm to be less than substantial and it therefore needs to be balanced against any public benefits the development might bring under paragraph 196 of the Framework.
16. The appellant's reasons for wishing to replace the window are to improve thermal and acoustic performance, provide ventilation, reduce maintenance and improve the safety of the window. Although improved energy efficiency could be considered to be a public benefit under paragraph 196 of the Framework in helping to address climate change, in this case the benefits of the proposal would mainly accrue to the appellant rather than being wider public benefits.
17. I acknowledge that the proposed development would not adversely affect the living conditions of the occupiers of neighbouring properties but this matter is not a public benefit and does not in itself outweigh the harm I have identified.

Conclusion

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

Martin Small

INSPECTOR