



Appeal Decision

Site visit made on 26 February 2021

by C Jack BSc MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021.

Appeal Ref: APP/B1415/W/20/3261427

Basement, 16A Marina, St Leonards-on-Sea TN38 0DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Jan Aslanowicz against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00439, dated 29 June 2020, was approved on 7 October 2020 and planning permission was granted subject to conditions.
 - The development permitted is removal of timber window and door on lower ground floor front elevation and replacement with UPVC sliding sash window and UPVC door. Removal of 3 windows to the rear and installation of 3 UPVC casement windows at the rear.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: STL16M001 Rev B.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal form indicates the appeal is made in respect of refused approval of the reserved matters under an outline planning permission. However, it is apparent from the documents that the appeal instead relates to the appellant's objection to condition 2 of the full planning permission granted by the Council. In effect, the condition requires accordance with plan StL16M001 Revision B, whereas it appears that the appellant would like the condition removed or varied to allow for development in accordance with plan StL16M001 Revision A.
3. Notwithstanding the description of the development permitted under HS/FA/20/00439, the Revision B plan omitted the originally proposed replacement entrance door and was provided to the Council as an amended plan during the course of its consideration of the application. The Officer's report indicates that the omission of the proposed replacement UPVC door from the proposal was sought by the Council due to its concern that the proportions and design detail of the replacement door would not be conducive to enhancing the character and appearance of the St Leonards East Conservation Area, within which the site lies. In light of all this, I have considered the appeal as a case where the Council has granted planning permission subject to a condition to which the appellant objects.

Main Issue

4. The main issue is whether Condition 2 is reasonable and necessary with regard to the character or appearance of the St Leonards East Conservation Area.

Reasons

5. 16A Marina is a basement dwelling forming part of a former 5 storey terraced house dating from around the late 19th century, which appears to have been converted into several flats. The terrace occupies a prominent position facing across the main A259 to the sea, within the St Leonards East Conservation Area (the conservation area), a designated heritage asset. Limited details about the conservation area have been provided but, based on my observations, its significance appears to derive at least in part from the architectural and historic significance of the terraces that denote the 19th century expansion of the seaside town. The terrace within which the appeal site lies contributes to that significance, particularly given its seafront location.
6. No 16 and the wider terrace have been subject to various alterations, including changes to doors and windows such that there is a wide variety of styles and materials evident, many examples of which are not sympathetic to the historic character and appearance of the building. This, in turn, has an adverse effect on the significance of the conservation area. The existing 15 pane single glazed door at 16A is not reflective of the likely original doors in the building. The proposed plan StL16M001 Rev A indicates a replacement door broadly similar to the existing door but double glazed with a uPVC frame, rather than painted timber. This design would not be a close replica of the form and appearance of the typical Victorian type door that would have been likely originally, and so would not be sympathetic to the historic character of the building, contrary to the expectations of Policy HN2. It would therefore fail to sustain and enhance the appearance of the conservation area, albeit the individual effect would be modest.
7. The presence of various uPVC replacement doors at various other properties in the conservation area does not justify a similar alteration in this instance. I accept that there are examples of such replacements having been installed, including in the same terrace. However, these are clearly distinguishable from more traditional examples and demonstrate the material harm that can be caused to character and appearance by such alterations.
8. For these reasons, the replacement door would harm the character and appearance of No 16A and of the conservation area. However, the extent of this harm would be less than substantial in the context of paragraph 196 of the National Planning Policy Framework because the proposed development would generally resemble the existing door.
9. There would be associated benefits such as improved security, energy efficiency, sound insulation, and daylight to No 16A. There is no significant daylight evidence presented to demonstrate that a more traditional door type would be harmful to living conditions. These benefits are limited in their scope as public benefits and there are other strategies available to achieve such outcomes without installing a replacement door that would be unsympathetic in materials, form, and appearance. Accordingly, these benefits do not outweigh the harm to the character and appearance of the conservation area.

10. I therefore conclude that Condition 2 of planning permission HS/FA/20/00439 is reasonable and necessary having regard to the character or appearance of the St Leonards East Conservation Area. The proposed change to the condition to enable development including a replacement door in accordance with plan StL16M001 Rev A would be contrary to the normal expectations of Policy HN2 of the Shaping Hastings Development Management Plan 2015, which specifically addresses changing doors, windows, and roof coverings in conservation areas. It would also be contrary to Policies DM1 and HN1 of the same plan, which among other things seek to ensure that development would sustain and enhance local character and the significance of the conservation area.

Conclusion

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

Catherine Jack

INSPECTOR