



Appeal Decision

Site visit made on 28 October 2021

by David Prentis BA, BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021.

Appeal Ref: APP/B1415/W/21/3277786

62 Church Road, St Leonards-on-Sea TN37 6EE

- 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 Goldedge Property Ltd against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/00045, dated 7 January 2021, was refused by notice dated 25 March 2021.
 - The development is described as *proposed replacement of existing timber windows with 'heritage style' uPVC sliding sash windows, and installation of new wrought iron safety guarding.*
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Decision

1. The appeal is dismissed

Main issues

2. The Council raised no objection to the proposed wrought iron safety guarding and I see no reason to disagree. The main issues are:
 - the effect of the proposed replacement windows on the character and appearance of the Warrior Square Conservation Area; and
 - whether the proposed replacement windows would contribute to mitigating climate change and moving towards a low carbon economy.

Reasons

Effect on the character and appearance of the conservation area

3. The conservation area is characterised by a formal arrangement of streets centred on the open space of Warrior Square. The terraces and semi-detached properties follow clearly defined building lines and there is consistency of scale and architectural style. The appeal property is part of a semi-detached pair of four storey buildings, constructed in the 19th century as town houses. Although the building has been converted to flats, the external appearance largely retains the original character. It is a good example of a building type that is characteristic of the conservation area, prominently located at the corner of Church Road and Warrior Gardens. It makes a positive contribution to the character and appearance of the conservation area.
4. The appeal building retains most of its original timber framed sliding sash windows, including some round-headed windows which are a distinctive feature of the design. Most of these windows, including those in the side and rear elevations, are prominent in views from the public domain because the building

stands on a street corner. The windows are characteristic of the architectural style of the building and of the conservation area as a whole.

5. I have taken account of the specific type of replacement windows that the appellant proposes to use, which are described as "*heritage style*". The appellant drew attention to two properties in the locality¹ where similar windows have been accepted by the Council. I am not aware of the nature or condition of the windows that were replaced and I make no comment on the merits of the Council's decisions in the particular circumstances of those cases. Nevertheless, I was able to visit those properties and see the extent to which the replacements replicate the general characteristics of timber framed windows.
6. Whilst the general arrangement of the proposed replacement windows would reflect the style of the existing windows, they would not replicate the sizes and proportions of elements such as the rails and glazing bars. The replacement windows would have larger section sizes. I consider that these individually small changes would have a significant cumulative effect when repeated across all the windows in question. The proposal would not reproduce the elegant proportions of the existing windows. To my mind, replacement of the existing windows with uPVC units as proposed would harm the character of the building and reduce the contribution that it makes to the character and appearance of the conservation area.
7. The appellant has drawn my attention to appeal decisions relating to properties in Brighton and Leatherhead where replacement windows were allowed. In both decisions, the Inspectors assessed the extent to which modern replacement windows had already become a feature of the areas they were considering, together with the particular design of the proposed replacements. I agree that those are pertinent factors and I have taken them into account in this case. I have already commented on the design of the proposed replacement windows. Whilst there have been some instances of modern replacement windows within nearby parts of the conservation area, I saw that traditional timber windows remain as a distinctive and characteristic feature of the street scene.
8. In this context, I conclude that the proposed replacement windows would neither preserve nor enhance the character and appearance of the Warrior Square Conservation Area. This would conflict with Hastings Development Management Plan (HDMP) Policy HN1, which seeks to sustain and enhance the significance of conservation areas. The policy draws attention to the importance of the historic context, including appearance and materials. The proposal would also conflict with Policy HN2, which deals specifically with replacement windows in conservation areas. The policy states that the Council will seek to maintain the form and appearance of original windows where this contributes to the character of the conservation area.
9. Having regard to paragraph 202 of the National Planning Policy Framework (the Framework), I consider that there would be "*less than substantial harm*" to the significance of the conservation area. However, it does not follow that such harm is to be regarded as minor or unimportant. The Framework makes clear that great weight is to be given to conserving the significance of designated

¹ No 3 Villa Road and No 44 Magdalen Road. I have noted the other Council decisions referred to by the appellant but, from the information given, these two appeared most relevant.

heritage assets. Where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. I shall return to that balance below.

Mitigating climate change and moving towards a low carbon economy

10. HDMP Policy SC1 seeks to manage change in a sustainable way, including by supporting the move to a low carbon economy. Policy SC3 seeks to promote sustainable and green design, including by enabling a low carbon future in a changing climate.
11. The appellant states that many of the existing windows are in need of repair, painting and replacement of elements such as sash cords. The intention is to improve thermal efficiency such that the property can achieve a minimum E rating. Timber is a traditional material for sash windows that will usually require periodic decoration and maintenance to keep it in good order. Such windows are normally designed to be dismantled and reassembled from time to time. Given the age of these windows, it seems likely that elements such as sash cords will have been replaced over the years. To my mind, the works likely to be required here are not unusual for a building of this age. Moreover, the Council has drawn attention to research and good practice guidance published by Historic England which offers detailed advice on measures that can be taken to improve the thermal efficiency of traditional windows.
12. I have no doubt that the proposal would improve thermal efficiency, as compared with the existing situation. To this extent it is likely to result in more efficient use of energy for domestic heating, which would support the move to a low carbon future. However, the Council contends that uPVC windows are likely to be less sustainable than timber over the lifetime of a development, citing research that such windows typically have a life span of only 35 years. Moreover, the Council argues that uPVC windows require more energy in manufacture than timber windows and are less likely to be recycled at the end of their useful life.
13. For the purposes of this appeal, whilst I acknowledge the longer term considerations that the Council has highlighted, I must also take account of the likelihood that the proposal would result in savings in domestic energy use in the short to medium term. Accordingly, I conclude that the proposal would not conflict with Policies SC1 and SC3.
14. That said, it is relevant to have regard to alternative means of achieving similar environmental benefits when deciding how much weight is to be attached to such benefits. In my view it is likely that similar benefits could be achieved in a way that would be less harmful to the historic environment, through one of the approaches suggested by the Council. I therefore attach only limited weight to the environmental benefits associated with improved thermal efficiency in this case.

Conclusion

The heritage balance required by the Framework

15. For the reasons given above, I conclude that the proposal would be harmful to the significance of the Warrior Square Conservation Area. The proposal would result in some public benefit, in that improved thermal efficiency is likely to result in more efficient use of energy for domestic heating. However, that

benefit is not sufficient to outweigh the harm to the conservation area that I have identified. The proposal would therefore conflict with the policies of the Framework relating to the historic environment.

Overall conclusion

16. I conclude that the proposal would conflict with HDMP Policies HN1 and HN2 which relate to conservation areas. Whilst it would accord with Policies SC1 and SC3, I consider that the conflicts that I have identified are of such importance that the proposal should be regarded as being in conflict with the development plan as a whole. There are no considerations that indicate an outcome other than in accordance with the development plan, so the appeal should be dismissed.

D Prentis

INSPECTOR