

Appeal Decision

Site visit made on 30 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2021

Appeal Ref: APP/D1590/W/21/3276370

15a Seaview Road, Leigh-On-Sea, Essex, SS9 1AT

- 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 Graham Sergeant against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/00305/FUL, dated 15 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is the replacement of current wooden sash windows with sash style UPVC windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The windows are already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my decision.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Leigh Cliff Conservation Area.

Reasons

5. The appeal site is a semi-detached dwelling, which is located within the Leigh Cliff Conservation Area. The Leigh Cliff Conservation Area Appraisal 2010 (CAA) describes the general character of the area, which consists of rows of highly attractive mostly semi-detached homes with bay windows, which are of significant group value. The rows of similarly designed Victorian and Edwardian houses are a dominant feature and their well-preserved sliding sash windows play a key role in defining the original character of the street. The CAA notes that Nos 11a-15 are quite well preserved though both divided into flats. As a shared and unifying feature these make a significant contribution to the group value present in the area.
6. The appeal proposal seeks to regularise the replacement of the existing sash windows at first floor with double glazed UPVC units. A building's fenestration is an important component in defining its visual and architectural character. The

proposal results in the loss of the original windows which contribute to the significance of the Conservation Area. There is insufficient evidence before me to demonstrate that the original windows could not have been repaired and upgraded to improve their thermal performance and as a result I do not consider there is justification to allow the replacement of the existing windows.

7. The replacement windows have been designed to replicate the appearance of traditional timber sashes. However, the chunky detailing and the top hung opening method does not provide an accurate replica and the use of UPVC is discernibly different in both materials and character to the traditional windows within the Conservation Area.
8. As a result, the replacement windows alter the appearance of the existing dwelling and detract from the quality of detailing which is evident in the neighbouring properties, and which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance, from the introduction of double glazed UPVC windows, does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.
9. I have considered the other examples that have been drawn to my attention in Seaview Road and also the legal cases cited by the appellant which have considered replacement UPVC windows in Conservation Areas. However, the circumstances that lead to those windows being considered acceptable may not be directly comparable to the appeal site. Furthermore, the examples within Seaview Road add to my concern about the incremental harm which arises from the replacement of the original features. Therefore, I have not been able to come to the same conclusion with regard to the proposed UPVC windows subject to this appeal.
10. In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
11. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the improved thermal efficiency provided by double glazing, the condition of the existing windows and the prevalence of UPVC windows in the vicinity. However, I do not consider that these amount to a public benefit arising from the proposal. Therefore, there is no public benefit sufficient to outweigh the harm.
12. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Leigh Cliff Conservation Area. This would be contrary to policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) which seeks to secure improvements to the urban environment through quality design and safeguard and enhance the historic environment, including Conservation Areas.

13. It would also be in conflict with policies DM1, DM3 and DM5 of the Southend on Sea Development Management Document (2015) which together seek to ensure that development reinforces local distinctiveness and gives appropriate weight to the preservation of a heritage asset, ensuring that alterations make a positive contribution to the character of the original building. In addition, any harm to a designated asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal.

Conclusion

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

G Pannell

INSPECTOR

