

Appeal Decision

Site visit made on 14 March 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2022

Appeal Ref: APP/U1430/W/21/3277333
33b Sackville Road, Bexhill on Sea, TN39 3JD

- 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 Anna Gillett against the decision of Rother Borough Council.
 - The application Ref RR/2020/2350/P, dated 25 January 2021, was refused by notice dated 6 April 2021.
 - The development proposed is the replacement of 1no timber bow window and 1no timber window.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of 1no timber bow window and 1no timber window at 33b Sackville Road, Bexhill on Sea, TN39 3JD in accordance with the terms of the application, Ref RR/2020/2350/P, dated 25 January 2021, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan, Drawing No. HH0120/01, Proposed Floor Plan and Elevation, Drawing No. HH0120/02, and Eurologik70 Casement Windows Specification Sheet.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and locality.

Reasons

Character and appearance

3. The appeal scheme relates to the front elevation of a second-floor flat which is part of a varied lengthy stretch of residential units above generally unremarkable commercial properties along this 'high street' type road. At upper levels the architectural approach is of varying styles, at times bold, and the bays, ornate dormers, gables and roof lines make for an interesting scene if one looks upwards. The character of the area is one of a busy mixed-use nature with some elements forming a pleasing appearance and other buildings, features, or poor states of maintenance less so. The appeal scheme is as described above; the windows would be replaced in UPVC double glazed.
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4. The site lies within the Bexhill Town Centre Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policies EN2 and BX2 of the Rother District Local Plan Core Strategy (CS). Taken together and amongst other matters these policies seek stewardship of the historic built environment, preservation of local distinctiveness, and respect for the local character which is embodied within Conservation Areas.
5. I can entirely see the reasoning for the Council, through its interpretation of policy protection and practice in development control, seeking to secure that replacement windows in conservation areas will be constructed in traditional materials. I understand and acknowledge the planning officer's report's criticism of the detail relating to UPVC windows. In the vast majority of cases, in my experience, a negative stance in a Conservation Area would be the appropriate approach. As an exception I differ in this case.
6. The appeal property is one of an architecturally matching pair but the windows in its second-floor partner are not of matching style. Unlike in many prominent positions where the planning officer's criticisms would come fully into play the use of UPVC would only be read by a very specific hard-stare at this small part of the wider picture. The scene as a whole may well include, I would estimate, close to a majority of windows in UPVC. I fully accept that many of these may have been fitted pre-Conservation Area or without specific planning permission but the fact remains there is some context for UPVC use and character is partly set by use of this material. The condition of the existing windows on the appeal property is deplorable and harsh conditions have clearly not helped; if one were to look at them, they detract from the scene and could well be a safety hazard. Double glazing will assist with energy efficiency in this elevated and exposed environment. Rather than any fine detail of finish on windows at this specific discreet individual high level appeal property, the over-riding aesthetic quality of this road will continue to be the principal elevational shapes and the proud upper level bold and articulated frontages and roof styles, all within a vibrant mixed-use setting leading down to an interesting sea frontage.
7. Given all these circumstances and the nature of the scheme I conclude that the proposal would not run contrary to the aims of S72(1) of the Act or conflict with CS Policies EN2 or BX2.

Conditions

8. The decision would call for the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character or appearance of the host property or the locality. Accordingly, the appeal is allowed.

D Cramond
INSPECTOR