



Appeal Decision

Site visit made on 21 March 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/Y9507/W/21/3286422

Flat 16, 34-36 Cliffe High Street, Lewes BN7 2AN

- 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 Mrs Kate Over against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/01457/HOUS, dated 12 March 2021, was refused by notice dated 19 August 2021.
 - The development proposed is replacement of windows.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area.
3. Flat 16 is at the back of the mixed use development at 34 to 36 Cliffe High Street, which was built in about the mid-1980s. The flat includes a second floor roughly north facing window that faces into the courtyard, and first floor and second floor windows that face roughly south. The proposal would replace the existing single-glazed timber framed windows with double-glazed uPVC framed windows of similar pattern.
4. The Conservation Area is mainly characterised by its historic street pattern, and rich mix of historic mostly small scale commercial and residential buildings of different types and styles that are nestled by the river in the chalk downland gap. The diversity in its historic buildings, the sympathetic infill, and the use of traditional building forms and materials are important to its appearance. These features contribute positively to its special interest and significance as the historic core of a well preserved county and market town.
5. Due to the tight knit urban grain in the narrow lanes and twittens off the main streets, some buildings can only be appreciated from other nearby buildings and their yards or gardens, or in narrow glimpses from the public domain. In line with this, the windows of the flat are mainly visible from the courtyard within, and other parts of, the development, and from nearby parts of Rusbridge Lane and Morris Road. Even so, the exercise of my statutory duty is not dependent on the ability of the public to appreciate the heritage asset.
6. The development at 34 to 36 is situated between 2 historic buildings on the roughly south side of Cliffe High Street. Although its overall design is modern, its form and materials harmonise with the historic buildings on either side and

the traditional buildings nearby. So, the existing development has a neutral effect on the character and the appearance of the Conservation Area.

7. The application did not include detailed drawings of the frames or a detailed specification for the windows. However, as timber windows are usually formed from solid timber sections and uPVC windows are usually formed from extruded hollow sections, they are made in different ways, and so they are likely to look different, and to have a different character, to one another. Whilst the proposed replacements aim to replicate the existing timber windows, there is insufficient evidence to show that this would be achieved, and because it would not be reasonable, the suggested condition seeking the Authority's approval to the windows could not be imposed.
8. As little information about the Cliffe Leas development and the windows at 3 South Cliffe has been put to me, they attract little weight. Also, as the permission for the former commercial units in the back of the existing development was granted subject to a condition seeking matching materials, that does not weigh in favour.
9. There is almost no technical evidence to show that the proposed windows would be more energy efficient than well-maintained timber windows with secondary glazing, or that they would last as long as the present windows, which may have been there for roughly 35 years. The lower cost and easier maintenance of the proposed replacement windows would be private benefits for the appellant. So, because the proposed windows would be likely to contrast starkly with the existing timber windows, they would harm the character and the appearance of the development and its surroundings.
10. In terms of the National Planning Policy Framework (Framework) the proposal would cause less than substantial harm to the significance of the heritage asset. However, as almost no public benefits have been put to me, they would not be enough to outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve or enhance the significance of the Conservation Area.
11. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to Policy SD12 of the South Downs Local Plan which aims to conserve and enhance the historic environment, LP Policy SD15 which reflects the thrust of the statutory duty with respect to conservation areas, and the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Conclusion

12. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR