
Appeal Decision

Site visit made on 29 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/M3835/W/21/3287777

5-6 Brunswick Road, Heene, Worthing BN11 3NG

- 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 First Properties Limited against the decision of Worthing Borough Council.
 - The application Ref AWDM/0679/20, dated 28 April 2020, was refused by notice dated 16 July 2021.
 - The development proposed is replacement of timber windows and doors with UPVC, to ground first and second floors on front (south) elevation of 5 and 6 Brunswick Road.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. The development was amended during the application process. I have therefore used the description of development from the decision notice as this better reflects the development proposed.
3. Reference is made to the Submission Draft Worthing Local Plan, in particular Policy DM24. The plan has been examined, and modifications have been consulted on. However, I am not provided with evidence that satisfies me that there are not unresolved objections to this policy. As such, based on the evidence before me in this case, I cannot be certain that the policies will be adopted in the form they are put to me. Therefore, limited weight is afforded to these emerging policies.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Marine Parade and Hinterland Conservation Area.

Reasons

5. The appeal site is within the Marine Parade and Hinterland Conservation Area (CA). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The National Planning Policy Framework (Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification.
6. The significance of the CA, as a whole, is derived from the seafront, its relationship with the historic terraced buildings along Marine Parade, as well as

the more modest traditional properties in the streets behind. Brunswick Road runs parallel to but back from the seafront. On its North side it is characterised by terraced properties which are generally finished in stucco and set at or close to the pavement. The windows are predominantly timber sliding sash with very few exceptions. These traditional details make a positive contribution to the character and appearance of the CA.

7. The properties at 5-6 Brunswick Road reflect these characteristics and the majority of the windows are timber sliding sash. They are arranged in 6 canted bays with three windows in each over three storeys. There are also 4 windows arranged above the entrance doors. The appeal site makes a positive contribution to the CA in this regard. However, whilst the windows to the front ground floor bay at no. 6 are timber, they are top hung and in different proportions. As such they do not make a positive contribution to the significance of the CA in this respect.
8. On the South side of Brunswick Road is part of the Premier Inn, which appears as a contemporary terrace with aluminium framed windows. Due to its design it is evidently different to the traditional buildings within the CA, and does not alter my findings as to the positive features of the historic properties on the north side of the road.
9. The proposed development would replace the existing windows with 'Heritage Rose' UPVC windows. I am not provided with any details of replacement doors. The proposed window detailing would result in frames and glazing bars which are very similar proportions to the existing. Albeit that the central vertical glazing bar to no. 5 would not be reinstated. The effect in this regard would therefore preserve the CA.
10. However, even with a wood finish, the UPVC material would be visually distinct and different to timber and this variation would be clearly apparent. The original material is important to the character and appearance of the CA and therefore its loss, even in the dimensions proposed, would be harmful.
11. On the other hand, the proposed development would reinstate the proportions and sash style opening of the ground floor windows at no. 6 and, notwithstanding the materials, the reinstatement of the traditional proportions would be an enhancement.
12. Accordingly, there would be an enhancement to the proportions and openings of one bay in a prominent position at street level, and the preservation of the proportions and openings to the other windows. However, there would be harm to all of the openings, including the two bays at ground level, in terms of their materials. As such the partial enhancement of one bay does not outweigh the harm with regard to the materials of all six bays.
13. It is my statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. It is established in case law¹ that a Conservation Area may be preserved by a development which leaves character or appearance unharmed. However, as set out above, the proposed development would not preserve the appearance of the CA.
14. Consequently, the proposed development would have a harmful effect on the character and appearance of the Marine Parade and Hinterland Conservation

¹ South Lakeland District Council v Secretary of State for the Environment [1992] 1 PLR 143

Area. This would be contrary to Policy 16 of the Core Strategy (April 2011) which requires that the settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets, amongst other things.

15. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.
16. The proposed development would improve the thermal insulation and energy efficiency of the properties. However, the extent of the proposals are small and there are other strategies available to achieve such outcomes without removing traditional windows. As such, any benefit in this regard would be limited. On the other hand, having regard to my statutory duty I am required to attribute considerable weight and importance to the harm I have found to the CA.
17. Accordingly, taking all the above into account, the limited public benefits would not outweigh the harm to the CA.

Conclusion

18. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed

H Miles

INSPECTOR