



Appeal Decision

Site visit made on 16 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/U1430/W/21/3287930

K-9 Divine, 12 Market Road, Rye, East Sussex TN31 7JA

- 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 Monosite Ltd against the decision of Rother District Council.
 - The application Ref RR/2021/1760/P, dated 17 July 2021, was refused by notice dated 9 November 2021.
 - The development proposed is described as 'change window joinery on the front elevation'.
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Decision

1. The appeal is allowed and planning permission is granted for change window joinery on the front elevation at K-9 Divine, 12 Market Road, Rye, East Sussex TN31 7JA in accordance with the terms of the application, Ref RR/2021/1760/P, dated 17 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No 21/MON/01.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Rye Conservation Area.

Reasons

3. The Rye Conservation Area covers a large part of the Ancient Town. Its significance derives from the character of the town; being a historical citadel town with high architectural value. Buildings on both sides of High Street are used as shops and business premises, as well as residential. In particular, along Market Road there is a mixture of building styles which is typical of the physical constraints of the town where different ages and styles of buildings, and uses, intermingle. The appeal building is situated on the eastern edge of the road.
4. The appeal scheme seeks a change in window joinery on the front elevation of the shop. The existing windows and door are segmented into multiple small panes of glass. The proposed ground floor windows would be made up on three large panes of glass with a fan light to the centre. The front door would be changed to a single pane of glass. The first-floor window would remain largely the same visually with a new fire escape window addition. All works

would be completed with painted soft wood and double-glazed units. There is also a proposed ventilation outlet pipe would be positioned to the front roof slope.

5. The proposed ground floor windows would be similar to those found at adjoining and nearby buildings along Market Road, with reasonably large panes set between mullions. The proposed fanlight would not be too dissimilar to that found in the door of the adjoining premises (signed as 'Rye Deli') and continue this feature within the street scene.
6. The change of the door to a single glass pane would be in keeping with the changes to the ground floor windows; although the retention of the lower panel feature (which is on the current door) would be more in keeping with the character of the street scene. Nonetheless the building is not listed and the door proposed has a utilitarian appearance which would compliment the proposed ground floor window changes sought. As such, the changes sought in respect of the ground floor window and door to be acceptable.
7. Moving to the first floor, the proposed opening window would provide some means of escape in emergencies. Moreover it would be in the style of the existing window and of those found on the upper levels of nearby buildings which tend to have smaller glass pane windows. The ventilation outlet pipe would be relatively unobtrusive in the front roof slope due to its size and positioning and would retain the overall shape and form of the roof slope. At worse it would have a neutral impact on the character of the conservation area.
8. I have also carefully considered the comments from interested parties such as local amenity groups, but these do not alter my assessment of the proposal above.
9. As such, I find that the proposed development would preserve the character and appearance of this part of the conservation area. Accordingly, the proposal would accord with Policies EN2 and EN3 of the *Rother Local Plan Core Strategy* (September 2014), Policy DC1 of the *Development and site Allocations Local Plan* (December 2019) and Policies D1 and E3 of the *Rye Neighborhood Plan* (July 2019), which, amongst other aims, seek to reinforce the special character of the district's historic settlements.

Conditions

10. I have considered the imposition of planning conditions in line with Paragraph 55 of the *National Planning Policy Framework* and the national Planning Practice Guidance. Conditions requiring development to start within three years and in accordance with the submitted drawings is necessary and reasonable in order to provide certainty and for the avoidance of doubt.

Conclusion

11. For the reasons given, above I conclude that the appeal should be allowed.

C Parker

INSEPECTOR