

Appeal Decision

Site visit made on 1 September 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022

Appeal Ref: APP/T1410/W/21/3289866

Flat 1, 7 Milnthorpe Road, Eastbourne, BN20 7NS

- 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 A Colomb against the decision of Eastbourne Borough Council.
 - The application Ref PC/210629, dated 10 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is replacement windows to the front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a ground floor front facing flat. It is in a converted impressive Victorian villa which is located in a road of generally sizeable and ornate properties leading to a good quality established residential character and a very pleasing and interesting streetscene. Frontage windows on the appeal property and the accommodation above are of attractive style and in timber. The majority of other windows to be found locally are similarly of interesting style and timber framed. The proposal is as described above with the planned windows being Victorian style conservation sliders in uPVC material.
 4. The appeal property lies within the Meads 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. Core Strategy Policy D10 and D10a along with Policies UHT1 and 15 of the Borough Saved Policies are also relevant to the case. Taken together, and amongst other matters, these call for opportunities to be taken to conserve and enhance Heritage Assets, for development to achieve a positive contribution to townscape character and to be protective of local distinctiveness, and for schemes to embody appropriate materials.
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5. Timber is used on the pertinent villa and the site lies within part of the Conservation Area which mainly has timber as the window material. It seems to me that a prominent and principal property within a Conservation Area must be a building and a locality where one should take utmost care and seek to encourage sensitive restoration and prevent inappropriate change. The proposed replacements may well be of good quality but in my opinion their use here would be noticeable and would be a retrograde step and dilute local heritage attributes. The introduction on part of a façade of modern ubiquitous material, however well it was moulded, would not be characteristic of this attractive building and its appearance or the period background and general townscape context.
6. Given all of the foregoing I conclude that the change in windows proposed would be contrary to the aims of Section 72(1) and would conflict with the development plan policies which I cite in paragraph 4 above.

Other matters

7. I sympathise with the Appellant's wish to replace the existing windows which are described as beyond repair, offering poor insulation, and leading to condensation. I can see that thought has been given in the selection of the specific replacements in style and operation and in some details that would be more akin to the originals than many other options. I am aware that this type of window is present on occasion elsewhere in the Conservation Area. The permission at No28a is an example, but I would not see that as a good benchmark and this decision about four years ago appears to have been made on the basis of the building already having uPVC in situ some time before that. In any event I must assess the case before me on its own merits.
8. I do appreciate that the Appellant could have, if asked, answer some the Council's detailed questions (e.g. on depth of positioning). However I have to say clarification on those matters would not have persuaded me to take a different line on this decision. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond INSPECTOR