



Appeal Decision

Site visit made on 6 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/T1410/W/22/3296816

Leighton Lodge, Flat 6, 1 Staveley Road, Eastbourne BN20 7LH

- 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 Daniil Anikin against the decision of Eastbourne Borough Council.
 - The application Ref. 220027, dated 12 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is the replacement of existing timber sash Windows and replacement with charisma rose vertical slides PVCu without removing window box.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the appeal form rather than the application form as it accurately describes the development. As the Council used a similar description on the press notice, site notice and decision notice, I am satisfied that assessing the appeal on the basis of the above description would cause no injustice to any party.
3. In determining this appeal, I shall have regard to my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issue

4. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Meads Conservation Area.

Reasons

5. The appeal site is within the Meads Conservation Area (CA). I have had regard to the Meads Conservation Area Appraisal (2012) (CAA), and I find that the significance of the CA is derived from the relationship between the area's grid pattern road layout and the arrangement of substantially sized predominantly residential buildings, occupying spacious gardens, that are set back from the roads behind masonry walls. The buildings are generally constructed from similar materials with highly decorated exteriors, and many retain their timber windows. I find that these elements combine to give the CA a distinctly formal and spacious suburban character.

6. The appeal property is a first floor flat within a substantial period style brick built three storey building fronting Staveley Road. The building is double fronted with two and three storey bays projecting from its façade and timber sash windows set within the bays. The part of the CA in which the appeal building is located is predominantly residential in character and comprised mainly of substantial period style buildings, with some modern infill buildings, occupying spacious grounds set back from the wide tree lined road and behind masonry walls.
7. I acknowledge that a relatively small first floor PVCu window has been fitted in the façade of the appeal building and appeal flat, in a position adjacent to the left bay (when viewed from the road). The appellant has stated that he previously obtained planning permission for this replacement window. Nevertheless, even should this be the case, the existing traditional timber sash windows in the building's façade, particularly those within the bays at ground floor and first floor levels, continue to display a strong sense of uniformity in terms of their materials, proportions and sliding sash design.
8. Together with the scale, materials and decorated appearance of the building, the existing timber sash windows contribute positively to the building's character and appearance. They are also a defining characteristic of the many period style residential buildings within the CA, and they contribute positively to the character and appearance of the CA. The CAA identifies the appeal building as having a positive contribution to the CA, and I concur.
9. The appeal proposal is for the replacement of the existing timber sash windows that serve the appeal flat with PVCu sliding sash windows, set within the existing window boxes. According to the submitted floor plan the proposed windows would correspond to the first floor windows in the left hand bay on the building's front façade, and the first floor window directly above the entrance door on the same façade.
10. The appellant describes the proposed replacement PVCu windows as 'like-for-like'. However, PVCu would replace timber and it is the stated intention of the appellant to introduce double-glazing. The drawings submitted with this appeal show only the location of the appeal property and the first floor layout of the building. Detailed drawings showing the positions, designs and proportions of the existing and proposed windows have not been submitted for assessment.
11. In this context and given my above findings as regards the appeal building's positive contribution and strong sense of uniformity, it has not been satisfactorily demonstrated that the proposal would have an acceptable effect upon the character and appearance of the host property and area. It thus follows that, in the absence of convincing evidence to the contrary, the proposed development would fail to preserve or enhance the character or appearance of the CA, and lead to less than substantial harm being caused to its heritage significance. As set out in the National Planning Policy Framework (July 2021) (the Framework), any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.
12. I have had regard to the appellant's submissions that the proposed replacement windows would better insulate the flat, improve energy efficiency, reduce carbon dioxide emissions and reduce energy costs for the occupiers. I also note the appellant's concerns over condensation within the flat and its effect on the health of the occupiers and the fabric of the building. However,

some of these purported benefits would be private in nature and I have no substantive evidence before me to demonstrate that the potential level of benefit to be drawn from reducing carbon dioxide emissions would be anything more than limited. Furthermore, it has not been clearly substantiated that the existing windows are harming the health of the occupiers or the fabric of the building. Consequently, I give these matters limited weight insufficient to outweigh the harm I have identified. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.

13. The scheme conflicts with the historic environment conservation and enhancement policies within the Framework, and with Policies D10 and D10A of the Eastbourne Core Strategy Local Plan (adopted February 2013) and saved Policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan (2001-2011) (adopted September 2003), in so far as these policies require development of a high quality design that preserves or enhances the character and appearance of conservation areas, and retains important features which contribute to the character of a building or wider area, amongst other objectives.

Other Matters

14. My attention has been drawn to PVCu windows fitted to Nos 17-19 Fairfield Road and the garden flat at No 14 Chesterfield Road, which are situated on nearby streets within the CA. However, I have no evidence of the type and appearance of the windows that existed in those properties prior to their replacement, and I have no details of any planning permissions for those windows. As such, I am unable to reasonably draw any comparisons with the appeal proposal. Whilst the appellant also refers to front window replacements on Collage Road, I have no details of these or the location of Collage Road. These examples are thus of limited relevance to my considerations.
15. I have had regard to whether detailed drawings of the existing and proposed windows could be secured through the imposition of a planning condition. However, as these details are fundamental to the substance of the appeal and the matters in dispute, including exercising the statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I find that deferring them to a planning condition would, in effect, defer a decision on the substantive matters of this appeal. Furthermore, deferring such fundamental details to a planning condition could deprive any party with an interest in the outcome of this appeal with an opportunity to comment on them, leading to injustice. As such, I find that it would be unacceptable to secure the necessary details of the proposed development through a planning condition.
16. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR