



Appeal Decision

Site visit made on 7 February 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/D1590/W/22/3303254

Highfield Lodge, 2 Wilson Road, Southend-On-Sea SS1 1HG

- 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 R. Horban of Emex International against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/00327/FUL, dated 15 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is replace timber windows to front elevation with heritage style PVCU windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the site and the surrounding area, with particular reference to the Clifftown Conservation Area (the CA).

Reasons

3. The appeal site fronts onto Wilson Road, a predominantly residential street lying within the CA. Within the Clifftown Conservation Area Appraisal (2021) (the Conservation Area Appraisal) it is identified as lying within the "Piecemeal Development Zone Character Area which contains buildings of varying mid to late Victorian design.
4. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its period vernacular architecture. The character and appearance of the CA in this vicinity is of an urban street, fronted by buildings of predominantly traditional design.
5. The CA is currently subject to an Article 4 Direction which prevents certain types of otherwise permitted development within some parts of the CA without planning permission.
6. During my site visit I noticed the use of timber sash windows throughout the wider area and these make a significant contribution to the authenticity, and thus the character and appearance, of the CA as a whole.
7. The appeal property is a traditional two storey semi-detached dwelling and has been sub-divided into flats. Together with its partner the dwelling creates a substantial built form in a prominent position on the entrance to the CA. Whilst the building has been altered, including the addition of render, the replacement

of the pitched roof with a flat roof on a ground floor window bay and the addition of a balcony above the central front door, it retains much of its original design features and remains reasonably intact, with many features of detailing matching its conjoined partner, including sash windows with swept heads. These features contribute positively to the significance of the building.

8. I therefore conclude that, given the prominent position of the pair of semi-detached dwellings, notwithstanding the alterations, the building makes a positive contribution to the CA by virtue of its remaining authentic detailing and this authenticity makes a significant contribution to the character, significance and appearance of the CA. In the Conservation Area Appraisal the Council have come to a similar conclusion, although they note that the building is potentially positive but needs improvement or restoration.
9. The proposal would replace the wooden windows on the front elevation with ones formed from UPVC as the original windows are in a poor state of repair. The replacement windows are described as being in a heritage style and these seek to replicate the appearance of the original windows. However, they incorporate trickle vents and a tilt and turn facility to facilitate cleaning and are designed to slide under friction, rather than by the use of traditional weights or more modern spiral balances. Thus, the replacement would be apparent by virtue of its more overtly modern material, the deeper grooves needed for the sliders and other more clinical, manufactured detailing. The tilt and turn feature would emphasise this difference, particularly should it be used by occupiers for general opening in addition to cleaning of the windows. This would all be apparent from the street to passers-by. It would thus harm the significance of the CA as defined above, particularly in regard to its authenticity.
10. I note that other buildings within the CA have UPVC windows fitted, including 10 and 17 Wilson Road and 74, 76 and 86 Cambridge Road. These are generally of overtly modern design and, in most cases, their nature is very evident. The Conservation Area Appraisal notes that such changes have taken place, and identifies that these changes have already caused harm to the character and appearance of the CA. The Council has identified that many of these sites lie outside of the scope of the current Article 4 Direction and the Council considers that they were undertaken as permitted development. In the case of 17 Wilson Road, the Council advises that the development was undertaken without planning permission.
11. My particular attention has been brought to other planning permissions in the area, including 2 Alexandra Court, 129 Alexandra Road (Council Ref:21/01663/FUL) and Tower Court Westcliff Parade (Council Ref:19/00988/FUL). These were replacements for side and/or rear windows. Further Tower Court does not lie within the CA. Neither site informs the immediate context of the proposed development.
12. My attention has also been drawn to a permission at Victoria Court, Tower Court Mews (Council Ref: 9/01986/FUL), which lies in Shorefield Conservation Area and again does not inform the immediate context of the appeal site. I therefore do not consider that these developments provide a precedent for acceptance of the proposed development.
13. The appellant has further drawn my attention to 35 Scratton Road within the CA. This has had its windows replaced with UPVC and the appellant suggests that these are a sympathetic treatment. However these, again, are readily

apparent as being made of a modern material, and their use does not convince me of the acceptability of the material in this case. Further, whilst in the CA, the proposal does not inform the immediate context of the appeal site.

14. The Council is currently seeking the extension of the existing Article 4 Direction relating to the CA to control the replacement of windows in future. That process is still underway and thus I have afforded it limited weight in my deliberations. In any case, the proposed development before me currently requires planning permission and I have considered the proposal on this basis.
15. Whilst there are other examples of UPVC replacement windows in the area, the proposal would cause harm to the CA in its own right and historic harm resultant from those sites identified by the appellant do not undermine the overall character and appearance of the CA to such an extent as to weaken the important features of the CA that I have identified above. They do not, therefore justify the further loss of existing features and, indeed, the proliferation of windows in the modern material increases the significance of the contribution made by surviving historic windows as representative of the features of the CA.
16. I therefore find that the development would cause material harm to the character and appearance of the Clifftown Conservation Area. The proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would be contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM5 of the Southend-on-Sea Borough Council Development Management Document (2015).
17. These policies jointly, amongst other things, require new development to be designed to a high quality and enhance the character of residential areas; make a positive contribution to the character of the original building and surrounding area through the use of materials and detailing; safeguard and respect, conserve and enhance the historic environment and reinforce local distinctiveness or enhance the character and appearance of the area; and respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building.
18. For similar reasons the proposal would also be contrary to advice contained in the Southend-on-Sea Borough Council Supplementary Planning Document 1 - Design and Townscape Guide (2009) and the Clifftown Conservation Area Character Appraisal (2021) in as much as these advise repair of original features rather than replacement and encourage the use of original materials and designs.
19. Whilst predating the current National Planning Policy Framework (the Framework), these policies are in close conformity with the aims of Sections 12 and 16, with which the proposal would also be in conflict, and therefore carry significant weight.
20. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the CA insofar as it would neither preserve nor enhance the character or appearance of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance

of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 202 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

21. The development would provide public benefits in terms of increasing the acoustic and thermal efficiency of the building. There would be likely minor benefits to the local economy in terms of short term employment. There would also be minor benefits from reduced future maintenance. However, whilst climate change is an important issue, benefits would be limited by the scale of the development and could be achieved by replacing the windows using traditional materials.
22. The benefits of the proposal would be of limited weight overall. The proposal would result in a moderate level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA. I afford considerable importance and weight to this statutory duty. This does not amount to a direction to refuse proposals that harm, and thus fail to preserve, designated heritage assets, but it provides a strong presumption in favour of preservation.
23. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.

Conclusion

24. The proposal would be contrary to the development plan and the Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

I A Dyer

INSPECTOR