



Appeal Decision

Site visit made on 18 April 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2023

Appeal Ref: APP/B1415/W/22/3302380

18 Marina, St Leonards-on-sea, East Sussex TN38 0DP

- 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 K R & Mr C P Smith against the decision of Hastings Borough Council.
 - The application Ref HS/FA/22/00233, dated 14 March 2022, was refused by notice dated 9 May 2022.
 - The development is proposed replacement windows to rear of Flats 1 and 3.
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Decision

1. The appeal is allowed and planning permission is granted for proposed replacement windows to rear of Flats 1 and 3 at 18 Marina, St Leonards-on-sea, East Sussex TN38 0DP in accordance with the terms of the application, Ref HS/FA/22/00233, dated 14 March 2022, 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: 7202/LBP, 7202/EX and 7202/1/A.

Main Issue

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

Reasons

3. The appeal relates to a 4 storey mid-terrace property, which occupies a prominent position on the seafront. The building is within residential use and comprises of several apartments. A passageway provides pedestrian access to the rear and to the terrace behind. Land levels rise steeply to the north and consequently, the lower floor on the rear elevation is below ground level and not visible from the public realm. The floor above is largely screened by the existing boundary treatment and soft landscaping.
4. The building lies within the St Leonards East CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA insofar as it relates to this scheme is derived from the Victorian domestic architecture, which consists of terraced houses of a uniformed height and scale. The architecture of the appeal property is in keeping with other Victorian terraced

- properties along the seafront and makes a positive contribution to the character and appearance of the CA.
5. The proposal seeks to replace 4 windows to the rear of the property with UPVC heritage style sash windows. From my observations of the property and wider terrace, I found the presence of UPVC windows to be significant and noticeable. The windows on the front of the appeal property are all UPVC sash windows. The rear elevation has a mix of window sizes and designs, but UPVC windows and a UPVC door are prominent in views from the passageway.
 6. The existing timber sash windows, with glazing bars are traditional in character and are similar to those on the terrace to the north. A glimpse of window W2 is visible from the passageway; however, the other windows due to their positioning on the building are inconspicuous. Consequently, there is little visual relationship between the windows that are the subject of this appeal and those on the terrace to the rear.
 7. Policy HN2 of the Hastings Development Management Plan 2015 (HDMP) requires that the form and appearance of original windows within a CA, which contribute to the character of a building and the significance of the wider CA are maintained. Whilst there are some original timber windows on this terrace, UPVC windows are commonplace and as such, they form part of the character of this building and the wider terrace. The proposed sash windows, with decorative horns would be in keeping with other windows on the building, including those on the more prominent front elevation. The provision of glazing bars on all but the smallest window would have a traditional appearance and would complement other windows on the building.
 8. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the CA. The proposal would comply with Policy EN1 of the Hastings Local Plan – The Hastings Planning Strategy 2014 and Policies DM1, HN1 and HN2 of the HDMP. These policies amongst other things require that developments protect the significance of a CA; make a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas; and, are of good design. The proposal would also comply with the Framework, which requires that the significance of a heritage asset is conserved.

Conditions

9. In addition to the standard time limit condition and in the interests of certainty, I have included a condition specifying the approved plans.

Conclusion

10. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR