



Appeal Decision

Site visit made on 17 August 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023.

Appeal Ref: APP/D1590/W/23/3321584

60 Gunners Rise, Shoeburyness, SS3 9BY

- 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 Neil Hurrell against the decision of Southend-on-Sea City Council.
 - The application Ref 23/00067/FULH, dated 11 January 2023, was refused by notice dated 6 April 2023.
 - The development proposed is install replacement windows and doors (retrospective)
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as “Retrospective application for replacement windows and doors”. The council changed this to the description used in the heading above, which was also used on the appeal form. I have adopted it as it more aptly identifies the appeal development.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the site, the streetscene and the wider area.

Reasons

4. The application dwelling is part of a recent development known as Gunners Rise, within the Shoebury Garrison area. This is part of the Gunnery Hill development of 97 similarly designed dwellings. The site is not within, but is adjacent to Shoebury Garrison Conservation Area, the boundary being to the east, just across the road. Since the appeal dwelling is not within the conservation area, the statutory duty under section 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 does not apply. The site has views over the Thames Estuary and the nature reserve together with the coastline designation of a RAMSAR site and SSSI.
5. The appeal seeks permission to retain white aluminium frame windows to each elevation, comprising a ground floor door and bifold windows to the rear elevation, first and second floor doors within the front elevation and a door within the northeast flank. The original timber sash windows and timber doors have been removed. Permitted development rights have been restricted at the site as part of the original planning permission for Gunners Rise. The dwelling

- is in a prominent location, with views of the site highly visible from the public domain including from the conservation area.
6. As noted above, the appeal dwelling is within a large recent housing development, where a consistent scheme of design has been maintained, specifically designed to relate to the surroundings, with traditional detailing and materials. Whether or not one considers that the architectural approach could have been different, the fact is that the design quality is good, with the repetition of features being an important aspect. The fact that the window openings in the appeal dwelling have not been changed does not contradict the fact that the absence of glazing bars and the difference in materials results in a very considerable difference in appearance. The new fenestration on this dwelling stands out as being very different and inconsistent with that uniformity around it.
 7. I am reminded by the appellant that the National Design Guide states in Paragraph 52 that *"local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings"*. Paragraph 54 states that *"well-designed places and buildings are visually attractive and aim to delight their occupants and passers-by"*. I consider that both statements hold good for the situation around the appeal site, and disagree with the appellant's view that the change is not harmful. In my view there is a strong local identity, which the new windows do not respect, and they are not visually attractive or a delight to passers-by.
 8. This anomaly within the estate is so evidently at odds with its neighbours that it has a harmful effect on the character and appearance of the house itself and on the streetscene and the wider area. Thus there is a strong objection to the development on public policy grounds.
 9. The fact that this wider area includes the Shoebury Garrison Conservation Area, and the appeal site is within the setting of the conservation area, means that the incongruity is unwelcome, being adjacent to an area that has been identified for the desirability of preserving or enhancing its character or appearance, and its setting is important. Nevertheless, I cannot assert that the windows stand out to the extent that they are a dominant feature that would have a material effect on the character or appearance of the conservation area.
 10. Set against the objection found, it is explained on behalf of the appellant that the location of this development, and the appeal dwelling itself, suffers from coastal exposure, such that the original timber frame windows are not fit for purpose. The new premium grade aluminium windows mitigate against continual repair work and excessive maintenance. I note that a letter of objection from a neighbour does, nevertheless, state that the repair and maintenance of the windows is an issue.
 11. I have no doubt that the replacement aluminium windows are likely to require far less care and maintenance and have been specified to improve thermal and noise performance. Nevertheless, as I toured the immediate surroundings of the appeal site, I saw very little to suggest that the maintenance of the fenestration has been the cause of any degradation of the appearance of dwellings generally. Nor is there any evidence that the use of aluminium framing and the lack of sub-division is the only way to overcome the maintenance and performance issues. Even with the use of timber there are modern materials and treatments that could be used.

12. I have noted and taken account of the other instances where windows have been used that are more akin to those used in this appeal case. However, those that are highlighted are primarily in terraces where there has been a deliberate departure from the usual scheme of fenestration, and this has been done with deliberation and design; that is not the case here. Not am I convinced by the argument that the mullions and transoms of the sash windows so reduce visibility that the experience of the open spaces and views is reduced to a material degree.
13. I have also noted that there are 2 listed buildings within the vicinity of the site. The most evident is the Heavy Quick Firing Battery of the Proof and Experimental Establishment, Shoebury Garrison, Old Ranges, which is in the open area in sight from the appeal dwelling. However, I do not consider that the nature of the development before me has a material effect of the setting of that building.

Conclusions

14. Having taken account of all matters raised, for the reasons that I have given, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR